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NATIONAL ARCHIVES MICROFILM PUBLICATIONS

Microcopy No. 215

MINUTES OF THE SUPREME COURT OF THE UNITED STATES

Roll 2

Volumes E-G

January 12, 1829 - August 7, 1837

THE NATIONAL ARCHIVES
NATIONAL ARCHIVES AND RECORDS SERVICE
GENERAL SERVICES ADMINISTRATION

Washington: 1954

NOTES ON ROLL 2

The three volumes reproduced on this roll have the following backstrip titles: (1) "Minutes / Supreme Court / U. S. / E"; (2) "Minutes / Supreme Court / U. S. / F"; and (3) "Minutes / Supreme Court / U. S. / G." They contain the minutes of the Supreme Court of the United States from January 12, 1829, to August 7, 1837.

The first volume contains the minutes of the Court from January 12, 1829, to August 7, 1837; the second, from January 9, 1832, to March 7, 1834; and the third, from March 8, 1834, to August 7, 1837.

NATIONAL ARCHIVES MICROFILM PUBLICATIONS

VOLUME

E

At the Capitol of the United States in the City of Washington and District of Columbia being the present seat of the National Government of the United States, on the second Monday of January (being the twelfth day of the same Month) in the year of our Lord One thousand eight hundred and twenty nine. And of the Independence of the United States the Fifty third. The Supreme Court of the United States met agreeably to Law.

Present

The Honorable _____ Chief Justice

The Honble: Bushrod Washington & Joseph Story — Associate Justices.

Proclamation being made the Court is opened. —

The Court proceeded to call over the Docket. —

1. William Campbell & Ux. appellants vs Pratt, Francis and others

On motion of Mr Key of Counsel for the appellants. It is ordered that this cause be Postponed. —

2. John Hawkins & William May. plffs in Er. vs Joshua Barney's Lessee

On motion of Mr Wickliffe of counsel for the Plaintiffs in Error It is ordered that this cause be Postponed until the result of an application pending before the Legislature of Kentucky for the State to employ Counsel can be known, the Principles involved in said cause being of general interest to the citizens of said State.

3.	Allan McLane Claimant &c of the Ship Good Friends vs The United States	On motion of Mr Attorney General - It is ordered that this cause be postponed.
4.	John Gozzler - Plff in Er. vs The Union Bank of George Town.	On motion of Mr Key of Counsel for the defendant in Error - It is ordered that this cause be postponed.
5.	John Clay Plff vs Abraham Smith	Ordered by the Court that this cause be postponed
6.	Howden Weston & others vs The City Council of Charleston. Plffs in Er.	On motion of Mr Hayne of Counsel for the Plffs in Error. Ordered that this cause be postponed.
8.	John A. Elmores Lessee Plff in Er. vs William G. Grymes & others	On motion of Mr Berrien of Counsel for the Plffs in Error. It is ordered that this cause be postponed.
9.	Richard Veitch & John H. Crease Admrs of Anthony Crease. vs Joseph Smith	This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the County of Alexandria in the District of Columbia and on the motion of Mr Swann of counsel for the appellee stating that the matters therein in controversy had been settled and agreed between the parties. It is adjudged and ordered by this court that this cause be and the same is hereby dismissed.

10.	William Thornton - Plff in Er: vs The Bank of Washington	On motion of Mr Key of Counsel for the Deft. in Error - It is ordered that this cause be postponed.
11.	Abraham L. Pennock & al vs Adam Dialogue — Plff in Er:	It is ordered by the Court that this cause be postponed.
12.	William G. Buckner — vs Thomas Finley &al — Plff	It is ordered by the Court that this cause be postponed.
13.	John Morel &al. Plff in Er: vs The Post Master General of the United States.	On motion of Mr Attorney General of Counsel for the defendant in Error. It is ordered that this cause be postponed.
14.	Hiram Craig &al. Plff in Er: vs The State of Missouri	It is ordered by the Court that this cause be Postponed
15.	Robert S. Davis &al - Plff in Er: vs The State of Missouri	It is ordered by the Court that this cause be Postponed.
16.	Thomas Watson - Plff in Er: vs The State of Missouri	It is ordered by the Court that this cause be Postponed.

19	The Bank of Hamilton vs The Lessee of Ambrose Dudley &c	It is ordered by the Court that this cause be postponed.
24.	The Columbian Insurance Company of Alexandria Plff in Er. vs Joseph W. Lawrence	On motion of Mr Swann of Counsel for the defendant in Error - It is ordered that this cause be set down for argument on tomorrow the 13th inst.

Proclamation being made the Court is adjourned until tomorrow morning at eleven oclock.

Pursuant to adjournment the Court met this morning at the Capitol.

Present

The Honorable John Marshall Chief Justice

and

The Hon'ble Joseph Story Associate Justice.

Proclamation being made the Court is opened.

There not being a sufficient number of Justices present to constitute a Quorum

Proclamation being made the Court is adjourned until tomorrow morning at eleven o'clock.

Wednesday January 14th 1829.

Pursuant to adjournment the Court met this morning at the Capitol.

Present

The Honorable John Marshall Chief Justice

and.

The Honble Joseph Story Associate Justice.

Proclamation being made the Court is opened.

There not being a sufficient number of Justices present to constitute a quorum.

Proclamation being made the Court is adjourned until tomorrow morning at eleven Oclock.

Thursday January 13th 1820.

Pursuant to adjournment the Court met this morning at the Capitol.

Present

The Honorable John Marshall Chief Justice.

and

The Hon.ble Joseph Story Associate Justice.

Proclamation being made the Court is opened.

On motion first made to the Court It is ordered that Hugh S. Legaré and Henry L. Pringle Esquires of South Carolina Jas Smith Esquire of New York and Sampson Mason Esquire of Ohio be admitted to practise as Attorneys and Counsellors of this Court.

There not being a sufficient number of Justices present to constitute a quorum.

Proclamation being made the Court is adjourned until tomorrow morning at eleven o'clock.

Friday January 16th 1829.—

Pursuant to adjournment the Court met this morning at the Capitol.

Present

The Honorable	John Marshall	Chief Justice.
The Honble:	Bushrod Washington and Joseph Story	Associate Justices.

Proclamation being made the Court is opened.—

There not being a sufficient number of Justices present to constitute a quorum.—

Proclamation being made the Court is adjourned until tomorrow morning at eleven oclock.—

Saturday January 17th 1829

Pursuant to adjournment the Court met this morning at the Capitol.

Present

The Honorable John Marshall Chief Justice.

and

The Honble: Joseph Story Associate Justice.

Proclamation being made the Court is opened.

There not being a sufficient number of Justices present to constitute a quorum

Proclamation being made the Court is adjourned until Monday morning next at eleven oclock.

Pursuant to adjournment the Court met this morning at the Capitol

Present

The Honorable	John Marshall	Chief Justice
	Bushrod Washington	
The Hon'ble	Gabriel Duvall &	Associate
	Joseph Story	Justices

Proclamation being made the Court is opened.

On motion first made to the Court It is ordered that Saml. F. Vinton Esqr. of Ohio, Saml. A. Nicholas Esqr. of Kentucky and Freeman B. Calls and Richd. Price Esqrs. of Pennsylvania be admitted to practise as Attornies and Counsellors of this Court.

24 The Columbia Insurance Company of Alexandria. Pltff in Err. vs Joseph W. Lawrence

The argument of this cause was commenced by Mr. C. C. Lee for the Plaintiff in Error and continued by Mr. Pinkney for the Defendant in Error.

Proclamation being made the Court is adjourned until tomorrow morning at eleven Oclock.

Pursuant to adjournment the Court met this morning at the Capitol.

Present.

The Honorable	John Marshall Bushrod Washington	Chief Justice
The Hon'ble	Gabriel Duvall Joseph Story	Associate Justices

Proclamation being made the Court is opened.

The Columbian Insurance Company of Alexandria vs Peff in Er
Joseph Ll Lawrence

The argument of this cause was continued by Mr Clark for the Defft in Error and by Mr Jones for the Plaintiff in Error.

Proclamation being made the Court is adjourned until to morrow morning at eleven Oclock.

Wednesday January 21st 1829.

Pursuant to adjournment the Court met this morning at the Capitol.

Present

The Honorable	John Marshall	Chief Justice	
The Honble	Bushrod Washington Gabriel Duvall Joseph Story	Associate Justices	

Proclamation being made the Court is opened.

On motion first made to the Court It is ordered that Joseph H Bradley Esqr of the District of Columbia James R Black Esqr of Delaware and Nathan Sargent Esqr of New York be admitted to practise as Attorneys and Counsellors of this Court.

The Columbian Insurance Company of Alexandria. Pltff in Er
vs.
Joseph Lawrence

The argument of this cause was concluded by Mr Jones for the Plaintiff in Error.

21.

Anthony Butler &c Pltff in Er
vs.
The Commercial Bank of Louisville.

On motion of Mr Rowan of Counsel for the Defendant in Error to dismiss this cause the Plaintiff in Error being three times solemnly called by the Marshal to come into Court and prosecute his writ of Error to the Judgment of the District Court of the United States for the District of Mississippi and failing so to do. It is ordered by this Court that the writ of Error in this cause be and the same is hereby dismissed with costs.

17

11.	Abraham L. Pennock &c. vs. Hoffius &c.		The argument of this cause was commenced by Mr. Webster for the Plaintiffs in Error continued by Mr.
	Adams	Dialogue	

Sergeant for the Defendant in Error and concluded by Mr. Webster for the Plaintiffs in Error.

Proclamation being made the Court is adjourned until tomorrow morning at eleven Oclock.

1069. Thursday January 22d 1829.

Pursuant to adjournment the Court met this morning at the Capitol

Present

The Honorable	John Marshall Bushrod Washington	Chief Justice
The Honble	Gabriel Duvall Joseph Story	Associate Justices

Proclamation being made the Court is opened.

Abraham Venable and George McDonald vs Appeal The Bank of the United States	18.	The argument of this cause was commenced by Mr Wickliffe for the Appellants. Continued by Mr Sergeant for the Appellee and concluded by Mr Wickliffe for the Appellants.
Nenjah T. Williams vs Wilson The Bank of the United States	23.	The argument of this cause was commenced by Mr Wright for the Plaintiff in Error, continued by Mr Sergeant for the Defendant in Error and concluded by Mr Wright for the Plaintiff in Error.

Proclamation being made the Court is adjourned until tomorrow morning at eleven Oclock.

Pursuant to adjournment the Court met this morning at the Capitol

Present.

The Honorable	John Marshall Bushrod Washington	Chief Justice
The Hon.ble	Gabriel Duvall Joseph Story	Associate Justices.

Proclamation being made the Court is opened.

On motion. First made to the Court. It is ordered that Henry R. Storrs Esq.r of New York and Mason Tabb Esq.r of the District of Columbia be admitted to practise as attorneys and Counsellors of this Court.

Order of Court.

The Judges of this Court have received with sentiments of profound sorrow the melancholy information that their late estimable associate and friend Mr. Justice Trimble has departed this life. As a testimonial of their sincere regret for his loss and of their high sense of his worth, they will wear crape for the residue of the term.

Whereupon It is ordered that this resolution be entered on the minutes of the Court, and communicated to the family of the deceased.

Mr. Wirt the Attorney General having moved the Court in pursuance of the 3rd resolve, contained in the subjoined Proceedings of the

have said proceedings entered on the Records of this Court.
It is considered and Ordered by this Court that the said proceedings of the Bar and Officers be entered upon the Minutes. Which Proceedings are entered accordingly as follows. viz.

At a meeting of the members of the Bar and the Officers of the Supreme Court of the United States held at the Court Room in the City of Washington. On Monday the nineteenth day of January Eighteen hundred and twenty nine, William Wirt Attorney General of the United States was absented Chairman, and the following resolutions moved by Mr Peters were unanimously adopted.

The Honorable Robert Trimble One of the Associate Justices of this Court having departed this life during the late vacation the members of this Bar and the Officers of the Court in respectfully expressing his loss and entertaining the highest respect for his Memory, have Resolved.

That as a token of their sentiments, they will wear the usual badge of mourning during the residue of the term.

Resolved, That the Chairman communicate to the bereaved family of the deceased, the esteem and consideration in which the virtues and talents of Mr Justice Trimble were held by the Bar and Officers of the Court and assure them of their sincere sympathy in the loss which they the Court and the Country have sustained in his death.

Resolved That the Attorney General on behalf of the Bar and Officers of this Court do respectfully move the Court that the foregoing resolutions may be entered on the Minutes of the Proceedings of this Court.

71.	John Reynolds Esquire Pltff in Error vs. Duncan McArthur ———	The argument of this cause was commenced by Mr Hall for the Pltff in Error.

Proclamation being made the Court is adjourned until tomorrow morning at eleven o'clock. —

Saturday January 24th 1829.

Pursuant to adjournment the Court met this morning at the Capitol

Present

The Honorable John Marshall Chief Justice
Bushrod Washington
the Honble Gabriel Duvall & Associate Justices
Joseph Story

Proclamation being made the Court is opened.

Samuel Meredith Esqr Pltff in Er
vs
William Bradford and Enos Daniel

Mr Wickliffe of counsel for the defendants in Error moved the Court for a rule on the Plaintiff in Error to appear before this Court on the 28th day of February 1829 in the present term of this Court and then and there show cause why this writ of Error should not be dismissed for want of jurisdiction. On consideration whereof It is considered and ordered by this Court that a rule be and the same is hereby granted to be served on the Plaintiff in Error or his Counsel commanding him to appear either in person or by Counsel before this Court on the 28th day of February A.D 1829 in the present January Term of our Court here and there to show cause if any he have why this writ of Error to the Circuit Court of the United States for the District of Kentucky should not be dismissed for want of Jurisdiction. —

11th

John Reynolds Treasr U.S.
vs
Pltff in Er
Duncan McArthur

The argument of this cause was resumed by Mr Scott for the Pltff in Error & was argued by Mr Clarke for the Deft in Error.

7th

On motion first made to the Court. It is ordered that Michael Hoffman Esquire of New York be admitted to practise as an attorney and Counsellor of this Court.

Proclamation being made the Court is adjourned until Monday morning next at eleven oclock. . .

Monday January 26th 1829.

Pursuant to adjournment the Court met this morning at the Capitol

Present

The Honorable	John Marshall		Chief Justice
	Bushrod Washington		
The Honble	Gabriel Duvall &		Associate Justices
	Joseph Story		

Proclamation being made the Court is opened.

On motion first made to the Court. It is ordered that William Wirt Esquire of the District of Columbia be admitted to practice as an attorney and Counsellor of this Court.

11. Abraham F. Pennock & James Sellers Plff in Er. vs Adam Dialogue

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of Pennsylvania and was argued by Counsel, On consideration whereof. It is the opinion of this Court that there is no error in the Judgment of the said Circuit Court Whereupon it is considered, ordered and adjudged by this Court that the Judgment of the said Circuit Court in this cause be and the same is hereby affirmed with costs. Pr. Mr. Justice Story

71. John Reynolds Treasurer US vs Duncan McArthur

The argument of this cause was continued by Mr. Walter Wilson for the defendant in Error.

Proclamation being made the Court is adjourned until to-morrow morning at eleven O'clock

Pursuant to adjournment the Court met this morning at the Capitol.

Present

The Honorable	John Marshall	Chief Justice
The Honble	Bushrod Washington Gabriel Duvall & Joseph Story	Associate Justices.

Proclamation being made the Court is opened

71.	John Reynolds Vermt U.S. vs Duncan — McArthur	The argument of this cause was concluded by Mr Scott for the Plaintiff in Error.
76.	William C Gordon vs John S Collins & others	The argument of this cause was commenced by Mr Wickliffe for the Plaintiff below.

Proclamation being made the Court is adjourned until tomorrow morning at eleven Oclock.

1827 Wednesday January 28th 1829

Pursuant to adjournment the Court met this morning at the Capitol.

Present

The Honorable	John Marshall	Chief Justice
The Hon'ble	Bushrod Washington Gabriel Duvall Joseph Story	Assoc. Justices

Proclamation being made the Court is opened.

24. The Columbian Insurance Company of Alexandria vs Diff in Er. Joseph W Lawrence

This cause came on to be heard on the Transcript of the record from the Circuit Court of the United States for the District of Columbia holden in and for the County of Alexandria and was argued by counsel on consideration whereof this Court is of opinion that the said Circuit Court erred in this in instructing the Jury that the interest of the assured in the property insured is such as is described in the original offer for insurance and in the policy. And also in this, that the said Circuit Court erred in this in the opinion to the Jury that the evidence was sufficient to be left to them from which they might infer that the defendants waived the objections to the certificate and the preliminary proof required by the tenth rule annexed to the policy. Whereupon it is considered by this Court that the said Judgment of the said Circuit Court in this cause be and the same is hereby reversed and annulled, and that the said cause be and the same is hereby remanded to the said Circuit Court with directions to award a venire facias de novo and for further proceedings to be had therein

Wednesday January 18th 1829 Continued

26	William C. Gardner Plff below vs John A. Collins & others	The argument of this cause was resumed by Mr Whipple in behalf of the Plaintiff and further argued by Mr Robbins for the Defendants.
30	The Bank of the United States Plff in Er vs Thomas Corcoran	The argument of this cause was opened by Mr Dean for the Plaintiff in Error continued by Mr Jones for the Defendant in Error and concluded by Mr Sargent for the Plaintiff in Error.

Proclamation being made the Court is adjourned until tomorrow morning at eleven Oclock.

Thursday January 29th 1829

Pursuant to adjournment the Court met this morning at the Capitol

Present

The Honorable	John Marshall Bushrod Washington	Chief Justice
The Honble	Gabriel Duvall & Joseph Story	Assocate Justices

Proclamation being made the Court is opened.

23	Micajah T. Williams vs The Bank of the United States	This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of Ohio and was argued by Counsel On consideration whereof. It is adjudged and ordered by this court that the Judgment of the said circuit Court in this cause be and the same is hereby affirmed with Costs. — "P. M. Jus: Washington"
26	William C. Gardner vs John A. Collins & others	The argument of this cause was resumed by Mr Robbins for the defendants and concluded by Mr M'Duffie for the Plaintiff.
35	Robert Boyce & others vs Paul Anderson & others	This cause was argued by Mr Bates for the defendants in Error and submitted to the Court by Mr Key one of counsel for the Plaintiff in Error.

Thursday — January 29th 829 C

31.	John L. Hawthorne vs Peres Packard.	The argument of this c commenced by Mr Co Plaintiffs in Error ... leaned by Mr Barre the Defendant in Er

Proclamation being made the Court is adjo until tomorrow morning at eleven Oclock. —

Friday January 30th 1829

Pursuant to adjournment the Court met this morning at the Capitol.

Present

The Honorable	John Marshall	Chief Justice
The Honble:	Bushrod Washington Gabriel Duvall Joseph Story and, Smith Thompson	Associate Justices

Proclamation being made the Court is opened.

31.	John L. Vanderpoel Plaintiff in Error vs Silas Packard	The argument of this cause was continued by Mr Jones for the Defendant in Error and concluded by Mr Boyce for the Plaintiffs in Error.
32.	I Harper Plaintiff in Error vs Anthony Butler	The Plaintiff in Error in this cause being three times solemnly called by the Marshal to come into Court and prosecute his writ of Error to the Judgment of the District Court of the United States for the District of Mississippi and failing so to do It is ordered and adjudged by this Court that the writ of Error in this cause be and the same is hereby dismissed.

Pr. Mr Ch. Jus. Marshall

	James Clark Caroline Gregory Obed Hand Richard Thomas John Henry Samuels Young Daniel Smith Russell Webb and Charles Dunn. Libellants and Appellants vs	the Appellants in this cause being three times solemnly called by the Marshal to come into Court and prosecute their Appeal from the Decree of the Circuit Court of the United States for the Eastern District of Pennsylvania and failing so to do. It is Ordered adjudged and decreed by this Court that the
33.	The Brigantine Lodge Hardy and Corp. John F Hardy & William Montgomery and Joseph Montgomery and Alexander Kilborn & Co Owners themselves and others. Respondents and Appellees	

appeal in this cause be and the same is hereby dismissed. (Jno. Mc Kean Jun. Marshall)"

36.	Thomas T Townsley Appellant & Co vs Joseph R. Summall	The argument of this cause was commenced by Mr. Cox for the Plaintiff in Error Continued by Mr. Nicholas for the Defendant in Error and concluded by Mr. Cox for the Plaintiff in Error.
37.	Le Roy Bayard & Co vs Appellants George Johnson	The argument of this cause was commenced by Mr. Hoy for the Plaintiffs in Error.

Proclamation being made the Court is adjourned until tomorrow morning at eleven Oclock.

Saturday January 31st 1829

Pursuant to adjournment the Court met this morning at the Capitol

Present

The Honorable	John	Marshall	Chief Justice
	Bushrod	Washington	
	William	Johnson	
The Hon'ble	Gabriel	Duvall	Assoc. Justices
	Joseph	Story and	
	Smith	Thompson	

Proclamation being made the Court is opened.

32	Harper	Plff in Er.	On motion of Mr Jones of
	vs		Counsel for the Plaintiff in Error
	Anthony	Butler	to reinstate this cause. It is

Ordered and adjudged by this Court that this cause be and the same is hereby reinstated on the Docket of this Court. P. Mr Ch. Jus Marshall

130	The Bank of Columbia		Mr Key of Counsel for the
	vs	Deft in Er.	Plaintiff in Error moved the Court
	Tyrrel	Swann	to consider this cause & the argu-

ment made in this Court at its January Term A.D. 1808 between the same Parties on a motion made for a Mandamus, and to submit this cause without further argument.

Saturday January 31st 1829 Continued

62.	John McKenney & others vs. Appellts John Carroll	Mr Nicholas of Counsel for the Appellts moved the Court to dismiss this cause for want of Jurisdiction
39	Le Roy Fayard &c. vs. Appellts George Johnson	The argument of this cause was continued by Mr Key for the Plaintiffs in Error by Mr Jones for the defendant in Error and concluded by Mr Swann for the Plaintiffs in Error
37	William Patterson's Lessee vs. Pffs in Er. Willis Jenks & others	The argument of this cause was commenced by Mr Willis for the Plaintiff in Error

Proclamation being made the Court is adjourned until Monday morning next at eleven o'clock.

Monday February 2nd 1829.

Pursuant to adjournment the Court met this morning at the Capitol

Present

The Honorable John Marshall Chief Justice
Bushrod Washington
William Johnson
The Hon'ble Gabriel Duvall Associate Justices.
Joseph Story and
Smith Thompson

Proclamation being made the Court is opened

37. William Patterson's Exrs. vs Plff in Er. / Willis Jenks and others

On motion of Mr Haynes of counsel for the defendants in Error, the argument of this cause is postponed until Saturday next the 7th inst.

44. Daniel Jackson and Joseph Jackson vs Plffs in Er. / John Twentyman

This cause was argued by Mr Taylor of counsel for the Plaintiffs in Error.

Proclamation being made the Court is adjourned until tomorrow morning at eleven Oclock.

Tuesday February 3rd 1829.

Pursuant to adjournment the Court met this morning at the Capitol

Present

The Honorable	John Marshall Bushrod Washington William Johnson	Chief Justice
The Honble	Gabriel Duvall Joseph Story and Smith Thompson	Assocate Justices

Proclamation being made the Court is opened.

26.	William C Gardner Plff in Error vs John A Collins, Job Cook Timothy Cook & William Bateman.	This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of Rhode Island and on the points on which the Judges of the said Circuit Court were divided in opinion and which were certified to this Court for its decision, and was argued by Counsel, On consideration whereof It is ordered and adjudged by this Court that it be certified to the said Circuit Court of the United States for the District of Rhode Island That the Plaintiff and those under whom he claims the estate in controversy are heirs at law of Mary C Gardner the intestate and as such heirs are by the Statute of Laments of Rhode Island of 1822 Eighteen hundred and twenty two entitled to the same estate upon the facts agreed in the case and that Judgment ought to be given for the Plaintiff in this cause All which is ordered to be certified to the said Circuit Court

18. Abraham Venable and George McDonald — Appts vs The Bank of the United States

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of Kentucky and was argued by Counsel, On consideration Whereof It is considered, ordered and decreed by this Court that the decree of the said Circuit Court in this cause be and the same is hereby affirmed with costs. — "Jas M. Lee Clerk"

30. The Bank of the United States Plff in Er vs Thomas Corcoran —

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of Columbia holden in and for the County of Washington and was argued by Counsel, On consideration Whereof It is considered, ordered and adjudged by this Court that the Judgment of the said Circuit Court in this cause be and the same is hereby affirmed with costs. "Jas M. Lee Clerk Washington"

62. John M. Kinney & others vs John Carroll

The motion made by Mr Nicholas in this cause on Saturday January 31st of the Present Term, was opposed in argument by Mr Jones of Counsel for the appellants and advocated by Mr Nicholas of Counsel for the appellee. —

Tuesday February 3d 1829 Continued

37.	James Foster & others Pltffs in Er. vs David Neilson Deft	On motion of Mr Wickliffe It is ordered that this cause be set down for argument on Monday the 16th day of February of the Present Term.
40.	The Bank of the Commonwealth of Kentucky Pltffs in Er. vs John A Wisler and others.	The argument of this cause was commenced by Mr Nicholas for the Plaintiffs in Error continued by Mr Caswell for the Defendants in Error and concluded by Mr Nicholas for the Plaintiffs in Error
41.	The Bank of the Commonwealth of Kentucky Pltffs in Er. vs John Ashley & John Ellis Defts	The argument of this cause was commenced by Mr Nicholas for the Plaintiffs in Error, continued by Mr Caswell for the Defendants in Error and concluded by Mr Nicholas for the Plaintiffs in Error
48.	Julia Thompson Pltff in Er. vs Jesse of Alice Tolmie & others.	The argument of this cause was commenced by Mr Wickliffe for the Plaintiff in Error and continued by Mr Key for the defendant in Error

Proclamation being made the Court is adjourned until tomorrow morning at eleven o'Clock.

Pursuant to adjournment the Court met this morning at the Capitol

Present

The Honorable	John Marshall	Chief Justice.
The Honble	Bushrod Washington William Johnson Gabriel Duvall Joseph Story and Smith Thompson	Associate Justices

Proclamation being made the Court is opened.

71. John Reynolds Treasr. U.S. Plff in Er.
vs
Duncan McArthur

The cause came on to be heard on the transcript of the record from the Supreme Court of the State of Ohio in and for the County of Champaign and was argued by counsel on consideration whereof, It is the opinion of this Court that there is no error in the Judgment of said Court. Whereupon it is considered, ordered and adjudged by this Court that the Judgment of the said Supreme Court in this cause be and the same is hereby affirmed with costs.

"Jo. M. Ch. Jus. Marshall"

45. Julia Thompson Treasr. Plff in Er.
vs
Lessee of Alex Polmes & others

The argument of this cause was commenced by McKay for the defendants in Error and concluded by M. Jones for the Plaintiff in Error.

21.	James Connelly vs. Richard Taylor	The argument of this cause was commenced by Mr Peter for the Appellants.

Proclamation being made the Court is adjourned until tomorrow morning at eleven Oclock.

Thursday Febuary 5th 1829.

Pursuant to adjournment the Court met this morning at the Capitol

Present,

The Honorable	John Marshall	Chief Justice
	Bushrod Washington	
	William Johnson	
The Honble	Gabriel Duvall	Associate Justices
	Joseph Story and	
	Smith Thompson	

Proclamation being made the Court is opened.

21.	James Connelly & others appts	vs	The argument of this cause was continued by Mr. Peters and Wickliffe for the Appellants.
	Richard Taylor and others		

Proclamation being made the Court is adjourned until tomorrow morning at eleven Oclock.

Friday February 6th 1829.

Pursuant to adjournment the Court met this morning at the Capitol

Present

The Honorable	John Marshall	Chief Justice
The Honble	Bushrod Washington William Johnson Gabriel Duvall Joseph Story and Smith Thompson	Associate Justices

Proclamation being made the Court is opened.

On Motion first made to the Court, It is ordered that R. A. Buckner Esquire of Kentucky be admitted to practice as an attorney and counsellor of this Court.

Daniel Jackson and Joseph Jackson vs. John Twenlyman	Pltffs in Error	This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the Southern District of New York, and was argued by counsel, On consideration whereof, It is the opinion of this Court that the said Circuit Court had not nor could entertain jurisdiction and cognizance of the said cause, Whereupon It is considered and adjudged by this Court that the judgment of the said Circuit Court in this cause be and the same is hereby reversed, and that the said cause be and the same is hereby remanded to the said Circuit Court for further proceedings to be had therein according to law and Justice.

Friday February 6th 1829 Continued.

31.	James Connelly & thus vs Appts Richard Taylor & ux.	The argument of this cause was continued by Mr Nicholas for the Appellees.

Proclamation being made the Court is adjourned until tomorrow morning at nine O'clock.

Pursuant to adjournment the Court met this morning at the Capitol.

Present

The Honorable	John Marshall	Chief Justice.
	Bushrod Washington	
	William Johnson	
The Justices	Gabriel Duvall	Associate Justices.
	Joseph Story and	
	Smith Thompson	

Proclamation being made the Court is opened.

31. John P. Van Ness and Maria his wife &c. "vs" Pltffs in Er. / Peter Pack and &c. Defts in Er.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of Columbia holden in and for the County of Washington, and was argued by Counsel, On consideration whereof It is the opinion of this Court that there is no error in the Judgment of the said Circuit Court Whereupon it is considered, ordered and adjudged by this Court that the Judgment of the said Circuit Court in the cause be and the same is hereby affirmed with costs. "Jos. Mc Lean Story"

35. Robert Boyce Pltff in Er. / Paul Anderson John Wilson and Daniel Wilson Griffin Taylor Defts in Er.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of Kentucky and

was argued by Counsel, On consideration whereof It is considered, ordered and adjudged by this Court that the Judgment of the said Circuit Court in this cause be and the same is hereby affirmed with costs. —

"Jn. M. Ch: Jus: Marshall"

No. 7. John Reynolds Lessee &c Plff in Er vs Duncan McArthur —

Mr Linton of Counsel for the Defendant in Error moved the Court for leave to withdraw from the Office of the Clerk of this Court certain Deeds Maps and Papers connected with the transcript of the record in this cause, On consideration whereof It is ordered that he have leave and be permitted so to do. —

"Jn. M. Ch: Jus: Marshall"

No. 131. Solomon Southwick & others Plaintiffs in Error vs The Post Master General of the United States —

Mr Attorney General of Counsel for the defendant in Error moved the Court to dismiss this writ of Error for want of Jurisdiction, On consideration whereof It is ordered that the consideration of this motion be postponed, and it is further ordered that the Brief on this motion be filed.

"Jn. M. Ch. Jus. Marshall"

No. 1. The Bank of Hamilton — vs Plff in Er Lessee of Julius Lindsley &c

Mr Webster moved the Court for Judgment in this cause, On consideration whereof It is ordered that the Consideration of this motion be postponed, and it is further ordered that the Papers on this motion be filed. "Jn. M. Ch. Jus Marshall"

Saturday February 7th 1829 Continued.

105.	The People of Vermont vs. Peffin & The Society for the Propagation of the Gospel in Foreign parts.	Mr Hubbard of Counsel for the Defendant in Error moved the Court to dismiss the writ of Error On Consideration whereof It is ordered that the consideration of this motion be Postponed.
37.	William Pattinson's Lessee vs. Plff in Er. Willes Jenks & others	The argument of this cause was continued by Mr Hagan for the Defendants in Error and concluded by Mr Binney for the Plaintiff in Error.
53.	The Bank of the United States vs. Appellee Daniel Weisegar and John H. Hanna	The argument of this cause was commenced by Mr Sergeant for the Appellants

1. Ex parte The United States

Mr Wirt Attorney General of the United States moved the Court to grant a rule to be served on the District Judge of the United States for the District of Arkansaw to appear before this Court and then and there shew cause if any he have why this Court should not award a mandamus commanding him the said District Judge to allow an appeal in the case of Louis Flaviede against the United States on a petition for six hundred Arpens of land, the Attorney General contending that the limitation of the right of Appeal allowed by the Statute of 1824 did not apply to the United States, the consideration

2. Ex parte, The United States.

Mr Wirt the Attorney General of the United States moved the Court to grant a rule to be served on the District Judge of the United States for the District of Arkansaw to appear before this Court and then and there shew cause if any he have why this Court should not award a mandamus commanding him the said District Judge to allow an appeal in the case of Noah Wall against the United States on a petition for Six hundred and forty arpens of land, the Attorney General contending that the limitation of the right of Appeal allowed by the Statute of 1824 did not apply to the United States. The consideration of which motion is ordered to be Post poned.

3. Ex parte. The United States.

Mr Wirt Attorney General of the United States moved the Court to grant a rule to be served on the District Judge of the United States for the District of Arkansaw to appear before this Court and then and there shew cause if any he have why this Court should not award a Mandamus commanding him the said District Judge to allow an appeal in the case of Philipe Garso against the United States On a petition for Eight hundred arpens of land the Attorney General contending that the limitation of the right of Appeal allowed by the Statute of 1824 did not apply to the United States. The consideration of which motion is ordered to be Post poned.

Saturday February 7th 1829 Continued

1. Ex parte The United States.

Mr Wirt the Attorney General of the United States moved the Court to grant a rule to be served on the District Judge of the United States for the District of Arkansaw to appear before this Court and then and there shew cause if any he have why this Court should not award a Mandamus commanding him the said District Judge to allow an appeal in the case of Domingo Maure against The United States on a petition for Eight hundred arpens of land the Attorney General contending that the limitation of the right of appeal allowed by the Statute of 1824 are not apply to the United States. The consideration of which motion is ordered to be post poned.

3. Ex Parte The United States.

Mr Wirt the Attorney General of the United States moved the Court to grant a rule to be served on the District Judge of the United States for the District of Arkansaw to appear before this Court and then and there shew cause if any he have why this Court should not award a Mandamus commanding him the said District Judge to allow an appeal in the case of Francis Vanguine against The United States, on a petition for Eight hundred arpens of land, the Attorney General contending that the limitation of the right of appeal allowed by the Statute of 1824 did not apply to the United States. The consideration of which motion is ordered to be post poned

Ex parte. The United States.

Mr Wirt the attorney General of the United States moves the Court to grant a rule to be issued on the District Judge of the United States for the District of Arkansaw to appear before this Court and then and there shew cause if any he have why this court should not award a Mandamus commanding him the said District Judge to allow an appeal in the case of Sylvanus Phillips against The United States on a petition for Eight hundred arpens of land; the attorney General contending that the limitation of the right of appeal allowed by the Statute of 1828 did not apply to the United States. The consideration of which motion is ordered to be Postponed.

Ex parte The United States.

Mr Wirt the attorney General of the United States moved the Court to grant a rule to be served on the District Judge of the United States for the District of Arkansaw to appear before this court and then and there shew cause if any he have why this court should not award a mandamus commanding him the said District Judge to allow an appeal in the case of Charles Rogers Heirs against the United States on a petition for Eight hundred arpens of land the attorney General contending that the limitation of the right of appeal allowed by the Statute of 1828 did not apply to the United States — The consideration of which motion is ordered to be Postponed.

x. Ex Parte The United States.

Mr Wirt the Attorney General of the United States moved the Court to grant a rule to be served on the District Judge of the United States for the District of Arkansaw to appear before this Court and then and there shew cause if any he have why this Court should not award a Mandamus commanding him the said District Judge to allow an appeal in the case of Silas Selleseus Selizeras against the United States on a petition for seven Thousand and fifty seven arpens of land, the Attorney General contending that the limitation of the right of appeal allowed by the Statute of 1824 did not apply to the United States The consideration of which motion is ordered to be Postponed.

y. Ex parte The United States.

Mr Wirt the Attorney General of the United States moved the Court to grant a rule to be served on the District Judge of the United States for the District of Arkansaw to appear before this Court and then and there shew cause if any he have why this Court should not award a mandamus commanding him the said District Judge to allow an appeal in the case of William Russell assignee of Baptiste Soulé against the United States on a petition for six hundred arpens of land, the Attorney General contending that the limitation of the right of appeal allowed by the Statute of 1824 did not apply to the United States. The consideration of which motion is ordered to be Postponed.

I Ex parte The United States.

Mr Wirt the Attorney General of the United States moves the Court to grant a rule to be served on the District Judge of the United States for the District of Arkansaw to appear before this Court and then and there shew cause if any he have why this Court should not award a Mandamus commanding him the said District Judge to allow an appeal in the case of John Hallowell against The United States, on a petition for five hundred and forty arpens of land the Attorney General contending that the limitation of the right of Appeal allowed by the Statute of 1824 did not apply to the United States - The consideration of which motion is ordered to be Postponed.

II Ex parte The United States.

Mr Wirt the Attorney General of the United States moved the Court to grant a rule to be served on the District Judge of the United States for the District of Arkansaw to appear before this Court and then and there shew cause if any he have why this court should not award a Mandamus commanding him the said District Judge to allow an appeal in the case of Francis Alegue against the United States on a petition for seventeen hundred arpens of land the Attorney General contending that the limitation of the right of Appeal allowed by the Statute of 1824 did not apply to the United States. The consideration of which motion is ordered to be Post poned.

Saturday. February 7th 1829 Continued

Ex parte The United States.

Mr Wirt the Attorney General of the United States moved the Court to grant a rule to be served on the District Judge of the United States for the District of Arkansaw to appear before this Court and then and there shew cause if any he have why this court should not award a Mandamus commanding him the said District Judge to allow an appeal in the case of Stephen Bayard against the United States, on a petition for four Hundred Arpents of land the Attorney General contending that the limitation of the right of appeal allowed by the Statute of 1824 did not apply to the United States. The consideration of which motion is ordered to be postponed.

Proclamation being made the Court is adjourned until Monday Morning next at eleven o'clock.

Monday February 9th 1829.

Pursuant to adjournment the Court met this morning at the Capitol.

Present.

The Honorable	John Marshall	Chief Justice.
	Bushrod Washington	
	William Johnson	
	Gabriel Duvall	
	Joseph Story and	Associate Justices.
	Smith Thompson	

Proclamation being made the Court is opened.

The People of Vermont &c. Plffs in Er.
vs.
The Society for the Propagation of the Gospel in foreign Parts.

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This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of Vermont and on the motion of Mr Hubbard of counsel for the Defendant in Error made at a prior day of this term. Whereupon on Saturday the seventh day of February in the year of our Lord Eighteen hundred and twenty nine & assumed this writ of Error for want of Jurisdiction. On consideration whereof it is ordered and adjudged by this Court that this cause be and the same is hereby dismissed for want of Jurisdiction unless the Plaintiffs in Error in this cause shall appear before this court during the present term and shew cause to the contrary thereof which they have liberty to do.

"P. M. Ch. Jus. Marshall"

Monday February 9th 1829 Continued

On motion Josh Wade to the Court Wm C. Rives & John Bell Esqrs of Tennessee be admitted & sworn as an Attorney and Counsellor of this Court.

52	The Bank of the United States vs Appellt Daniel Clausey and John H. Hanna	The argument of this cause was continued by Mr Wirt for the rebellion and concluded by Mr Sergeant for the appellant
51	Davis Hunt and others vs Appellt Robert Wickliffe	The argument of this cause was commenced by Mr Barbour for the appellants

Proclamation being made the Court is adjourned until tomorrow morning at eleven Oclock.

Tuesday February 10th 1829.

Pursuant to adjournment the Court met this morning at the Capitol.

Present

The Honorable	John Marshall	Chief Justice.
	Bushrod Washington	
	William Johnson	
The Honble	Gabriel Duvall	Associate Justices.
	Joseph Story	
	Smith Thompson	

Proclamation being made the Court is opened.

On Motion first made to the Court. It is ordered that H Lowell Fenner of Kentucky be admitted to Practice as an attorney and Counsellor of this Court.

Thomas F Townsley a
"" Pltff in Er
Joseph K Swinnell

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of Kentucky and was argued by Counsel on consideration whereof, it is considered, ordered and adjudged by this Court that the Judgment of the said Circuit Court in this cause be and the same is hereby affirmed with costs and damages at the rate of six per centum per annum.

"P. M. Jus. Story"

Tuesday February 10th 1829 Continued.

51	Isaac Hunt & others vs Robert Mitchelltree	The argument of this cause was continued by Mr Mitchelltree for the appellees and concluded by Mr Graham for the appellants
54	John F. Satterlee vs Elizabeth Matthews	The argument of this cause was commenced by Mr Key for the plaintiff in Error

Proclamation being made the Court is adjourned until tomorrow morning at eleven Oclock.

Wednesday February 18th 1829.

Pursuant to adjournment the Court met this morning at the Capitol,

Present

The Honorable	John Marshall	Chief Justice
	Bushrod Washington	
	William Johnson	
The Honble.	Gabriel Duvall	Associate Justices
	Joseph Story	
	Smith Thompson	

Proclamation being made the Court is opened.

	John F Fullerton	The argument of this cause
54	vs	was continued by Messrs Putnam
	Elizabeth Matthewson	and Peters for the Defendant
		in Error and by Mr Sergeant for
		the Plaintiff in Error

Proclamation being made the Court is adjourned until tomorrow morning at eleven Oclock.

Thursday February 12th 1829.

Pursuant to adjournment the Court met this morning at the Capitol.

Present

The Honorable	John Marshall	Chief Justice.
The Honble.	Bushrod Washington William Johnson Gabriel Duvall Joseph Story & Smith Thompson	Associate Justices.

Proclamation being made the Court is opened.

On Motion first made to the Court It was ordered that Samuel A Talcott Esquire of New York be admitted to practice as an attorney and counsellor of this Court.

Jules Thompson Tenant in Error vs The Heirs of Alice Talmie Margaret Hannah and James Burridge —	This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of Columbia holden in and for the County of Washington and was argued by counsel, On consideration whereof it is considered ordered and adjudged by this Court that the Judgment of the said Circuit Court in this cause be and the same is hereby reversed and that the cause be and the same is hereby remanded to the said Circuit Court with directions to said Court to enter Judgment for the Defendant. —

"D. M. Jul. Thompson"

39	William Bayard Jr and Robert Bayard trading under the firm of J. & R. Bayard & Co. Plffs in Er. vs George Johnson —	This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of Columbia holden in and for the County of Alexandria and was argued by Counsel. On consideration whereof, it is Considered, Adjudged and adjudged by this Court that the Judgment of the said Circuit Court in this cause be and the same is hereby affirmed with costs. "J. M.c Lea Washington"
55	The Bank of the United States vs Thomas L. Connel. Plff in Er.	This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of Kentucky and on motion of M.r Sergeant of Counsel for the Plaintiff in Error stating to the Court that since the writ of Error was sued out the debt for which the action below was brought, had been paid by one of the other parties to the note, and Praying that the writ of Error might be dismissed; On Consideration whereof, it is Ordered and adjudged by this Court that this cause be and the same is hereby dismissed — "J. M.c Ch Jus Marshall"
56	Townsend L. Taylor Esqr. Admr &c appt vs Joseph Hick —	On motion of M.r Daniel of Counsel for the Appellee and by consent of M.r Taylor of Counsel for the Appellants. It is ordered that this cause be and the same is hereby continued to the next term. — "J. M.c Ch Jus Marshall"

Thursday February 12th 1829 Continued.

58	John F. Fallerton — vs Appl'ee — Elizabeth Matthews —	The argument of this cause was concluded by Mr Jerge for the Plaintiff in Error
49	Joseph Mansmith & others vs Appl'ee Romulus Riggs —	On motion of Mr E. J. Fo this cause is set down for argument on Wednesday next the 18th inst.
59	John Sandridge — vs Appl't Martha Washington's Exr —	This cause was argued by Messrs Lee and Swann for the Appellant and by Mr Jay for the Appellees.
60	John F. Ritchie — vs Appl't Philip Maure and Joseph Forrest —	The argument of this cause was commenced by Mr C. J. for the Appellant

Proclamation being made the Court is adjourned until tomorrow morning at eleven Oclock.

Friday February 13th 1829.

Pursuant to adjournment the Court met this morning at the Capitol.

Present

The Honorable	John Marshall	Chief Justice.
	Bushrod Washington	
	William Johnson	
The Honble.	Gabriel Duvall	Associate Justices.
	Joseph Story and	
	Smith Thompson	

Proclamation being made the Court is opened.

William Patterson Plff in Er

vs.

Willis Jenks Gabriel Duvall Jun Peter Evans Walter Watkins Et. Jesse John Beauchamp Alexander M Mahle Benjamin Tallin Jeremiah Penn Isaac Cowan James Wright Jesse Beauchamp Nicholas Clayton Willis Long Seaborn Pond Benjamin Perkins Jeremiah Mahone John Camp William Smith and Jesse Simmons Tenants.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of Georgia and was argued by Counsel, On consideration whereof, This Court is of opinion that the said Circuit Court erred in refusing to instruct the Jury that the grant under which the Plaintiff made title was good for so much thereof as lay north and east of the Apalachicola or South fork of the Coosaw river although it was lying within the Indian boundary might also be continued thereon. Whereupon, It is considered, Ordered and adjudged by this Court that the Judgment of the said Circuit Court in

this cause be and the same is hereby reversed and that the said cause be and the same is hereby remanded to the said Circuit Court with directions to award a venire facias de novo and for further proceedings to be had therein according to law and justice and in conformity to this opinion. "Pr M. Ch. Jus. Marshall"

60 John J Ritchie & al vs Appl Philip Mauro and Joseph Fowler &c

The argument of this cause was continued by Mr Bradley for the Appellees and concluded by Mr Chambers for the Appellant &c

58 David Wilkinson & al vs Peffin & al Thomas Leland & others

The argument of this cause was commenced by Mr Whipple for the Plaintiff in Error.

Proclamation being made the Court is adjourned until tomorrow morning at eleven Oclock &c

Saturday February 11th 1829.

Pursuant to adjournment the Court met this morning at the Capitol.

Present

The Honorable	John Marshall		Chief Justice.
	Bushrod Washington		
	William Johnson		
The Honble:	Gabriel Duvall		Associate Justices.
	Joseph Story and		
	Smith Thompson		

Proclamation being made the Court is opened.

5	L. Ro Bryant & Co ... vs Jeffers &c: The Massachusetts Fire and Marine Insurance Company of Boston.	On motion of Mr Webster of counsel for the Defendants in Error this cause is submitted to the consideration of the Court on the transcript of the record and Statements of Counsel.
40.	The President and Directors of the Bank of the Commonwealth of Kentucky. vs Jeffers &c John Wister, John M Price and Charles J Wister.	This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of Kentucky and was argued by counsel, on consideration whereof it is considered, ordered and adjudged by this Court that the Judgment of the said Circuit Court in this cause be and the same is hereby affirmed with Costs and damages at the rate of "Six" per centum per annum.

Brief amended 18th 1830.

Saturday February 14th 1829 Continued

41. The President and Directors of the Bank of the Commonwealth of Kentucky ... Plffs in Er
vs
John Ashley & John Ellis Defts

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of Kentucky and was argued by Counsel, on consideration whereof. It appearing to this Court that the Judgment of the said Circuit Court is for a larger sum than that claimed and counted upon in the Declaration in said cause in said Court, the said Defendants in Error filed here in open Court a remittitur in the following words, to wit.

"Supreme Court of the United States of January Term in the Year of our Lord Eighteen Hundred and twenty nine.

The President and Directors of the Bank of the Commonwealth of Kentucky. Plffs in Er
vs
John Ashley & John Ellis Defendants

Be it remembered that on the trial of this cause before the Supreme Court of the United States on writ of Error to the Circuit Court of the United States for the District of Kentucky, on the fourteenth day of February in the year aforesaid it appeared that one of the fifty eight Bills upon which the Declaration purported to count severally, viz a Bill for the amount of fifty dollars had been omitted in said Declaration, the Declaration making out a less sum, and one debt less in number, than the writ claimed & the Judgment gave, and thereupon the said John Ashley and John Ellis Defendants in Error by Daniel I Caswell their attorney and Counsel in this Court freely here in Court remit the

monwealth of Kentucky Plaintiffs in Error as aforesaid on the cause as well the said debt of fifty dollars so recited as aforesaid together with interest on the said fifty dollars at the rate of six per centum per annum from the twenty second day of September in the year of our Lord Eighteen hundred and twenty five as also damages for delay — As Witness our hands this fourteenth day of February in the year of our Lord Eighteen hundred and twenty nine. John Ashley and John Ellis by Daniel L Caswell their attorney and Counsel in this Court"

Whereupon it is considered, ordered and adjudged by this Court that the Judgment of the said Circuit Court in this cause be and the same is hereby affirmed without costs, deducting from the said Judgment of the said Circuit Court the amount so deducted as aforesaid. —

"Jr. M. Lus: Johnson"

38 David Wilkinson &c. vs. Eliz. Ely &c. Thomas Tolland & others

The argument of this cause was continued by Mr. Whipple for the Plaintiff in Error and by Mr. Webster for the Defendants in Error. —

Proclamation being made the Court is adjourned until Monday morning next at eleven o'clock. —

Monday February 16th 1829.

Pursuant to adjournment the Court met this morning at the Capitol

Present

The Honorable	John Marshall	Chief Justice
The Hon'ble:	Bushrod Washington William Johnson Gabriel Duvall Joseph Story and Smith Thompson	Associate Justices

Proclamation being made the Court is opened.

On motion first made to the Court It is ordered that Wm Henry Hurst Esquire of Indiana be admitted to practice as an attorney and Counsellor of this Court.

John Sandridge vs Appellt George W. P. Custis and Thomas Peter Ex'rs of Martha Washington dec'd	This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of Columbia holden in and for the County of Washington and was argued by counsel, on consideration whereof This Court is of opinion that the Circuit Court erred in dismissing the Plaintiffs bill for want of proper parties, and that the said decree ought to be reversed. Whereupon it is ordered and decreed by this Court that the decree of the said Circuit Court in this cause be and the same is hereby reversed and this Court doth further order that the said cause be and the same is hereby remanded to the

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said Circuit Court with directions to give leave to the Plaintiff to make new parties that the proper accounts may be taken in order to a final decree in which decree the Plaintiff ought to be allowed interest on the sum due to him for his education out of the money applicable to that object. — "P. W. Ch. Sup. Marshall."

00	John T. Ritchie — vs. Affft. Philip Mauro and Joseph Forrest —	This cause came on to be heard on the Transcript of the record from the Circuit Court of the United States for the District of Columbia holden in and for the County of Washington and was argued by Counsel, On consideration whereof. It is ordered adjudged and decreed by this Court that this cause be and the same is hereby dismissed for want of jurisdiction. — "P. M. Ch. Sup. Marshall."
38	David Wilkinson — vs. Piff in Error Thomas Tillard & others	The argument of this cause was continued by Mr Webster for the defendants in Error and concluded by Mr Wirt for the Plaintiff in Error. —

Proclamation being made the Court is adjourned until tomorrow morning at eleven Oclock. —

Tuesday February 17th 1829.

Pursuant to adjournment the Court met this morning at the Capitol.

Present

The Honorable	John Marshall	Chief Justice.
The Honble	Bushrod Washington William Johnson Gabriel Duvall Joseph Story and Smith Thompson	Assocate Justices

Proclamation being made the Court is opened

19.	The Bank of Hamilton — vs' Pltff in Er. The Lessee of Benbose Dudley &c	On motion of Mr Webster the argument of the motion made in this cause is set down for argument on Thursday next the 19th inst.

27.	James Foster and Peasants Elam — vs' Pltffs in Er. Samuel Neilson —	The argument of this cause was commenced by Mr Coxe for the Plaintiffs in Error and continued by Mr Jones for the Defendant in Er

Proclamation being made the Court is adjourned until tomorrow morning at eleven Oclock.

Wednesday February 18th 1829.

Pursuant to adjournment the Court met this morning at the Capitol.

Present

The Honorable	John Marshall	Chief Justice
	Bushrod Washington	
	William Johnson	
The Honble.	Gabriel Duvall	Assocate Justices
	Joseph Story and	
	Smith Thompson	

Proclamation being made the Court is opened.

On motion first made to the Court, It is ordered that Samuel Chew Esquire of Pennsylvania and Mordecai M. Noah Esquire of New York be admitted to practise as attorneys and counsellors of this Court.

37	James Foster and Hesants Flash vs. Gilfs in Er. David Neilson	The argument of this cause was commenced by Mr. Jones for the Defendant in Error.

49	Joseph Manuwitch &c vs Appellants Romulus Riggs	The argument of this cause was commenced by Mr. E. J. Lee for the appellants.

Proclamation being made the Court is adjourned until tomorrow morning at eleven oclock.

Thursday February 19th 1829.

Pursuant to adjournment the Court met this morning at the Capitol

Present

The Honorable	John Marshall	Chief Justice
	Bushrod Washington	
	William Johnson	
The Honble:	Gabriel Duvall	Appeals Justices
	Joseph Story and	
	Smith Thompson	

Proclamation being made the Court is opened.

On motion first made to the Court, It is ordered that I. A. Rider Esquire of New York and I. Johnson Esquire of Maryland be admitted to practice as attorneys and Counsellors of this Court.

14.	Joseph Mansfield & others Appellants vs Romulus Riggs.	The argument of this cause was continued by Mr. Ed. Jones for the appellants and by Mr. Coyle for the appellee.

Proclamation being made the Court is adjourned until tomorrow morning at eleven Oclock.

Friday February 20th 1829.

Pursuant to adjournment the Court met this morning at the Capitol.

Present

The Honorable	John	Marshall	Chief Justice
	Bushrod	Washington	
	William	Johnson	
The Honble	Gabriel	Duvall	Associate Justices
	Joseph	Story and	
	Smith	Thompson	

Proclamation being made the Court is opened.

The Bank of Hamilton &c. Plff in Error
vs.
The Lessee of Ambrose Dudley Deft

The argument of this cause was commenced by Mr Benham for the Plaintiff in Error continued by Mr Farrand for the Defendant in Error and concluded by Mr Baldwin for the Plaintiff in Error.

The State of New Jersey Compt
vs.
The People of the State of New York &c. Defts

Bill in Equity
In the Supreme Court of the United States of the Term of January A.D. 1829.

Mr Wirt solicitor for the Complainant moved the Court to award a subpoena in this case the consideration of which motion is ordered to be postponed.

Proclamation being made the Court is adjourned until

Saturday February 21st 1829.—

Pursuant to adjournment the Court met this morning at the Capitol.

Present.

The Honorable	John Marshall	Chief Justice
	Bushrod Washington William Johnson Gabriel Duvall	
The Honble:	Joseph Story and Smith Thompson	Associate Justices

Proclamation being made the Court is opened.

On motion first made to the Court It is ordered that Benjamin Hazard Esquire of Rhode Island and R. C. Mallary Esquire of Vermont be admitted to practise as attornies and counsellors of this Court.

97. The Propagation Society in &c. Plff. below
vs.
The Town of Pawlet and Ozias Clarke.

On motion of Mr. Mallary to continue this cause, which motion was opposed in argument by Mr. Webster. It is Ordered that the consideration of this motion be postponed.

27. James Foster and Reynold Elam. Plffs. in Er:
vs.
David Neilson.

The argument of this cause was concluded by Mr. Webster for the Plaintiffs in Error.

Thomas T Kinsle and
Belinda his wife . . .
vs. } Dft's in Er.
The Lessee of Charles Vallier.

On motion of Mr Caswell of Counsel for the Defendant in Error in this cause and a certificate of the Clerk of the Circuit Court of the United States for the District of Ohio, stating that at the July Term Anno Domini 1828 of the said Court, John Doe ex dem Charles Vallier recovered a judgment of the said Court against Thomas T Kinsle and Belinda Kinsle in an action of Ejectment in which the said John Doe ex dem Charles Vallier was plaintiff and the said Thomas T Kinsle and Wife were defendants. To which said Judgment the said Thomas T Kinsle applied for and obtained the allowance of a writ of Error to the Supreme Court of the United States. Which said writ of error was allowed by C W. Byrd one of the Judges of the said Seventh Circuit Court of the United States for the District of Ohio aforesaid, and issued on the 28th day of July 1828. That by the allowance and issuing of said writ of Error the said Judgment as aforesaid was superseded until the errors alleged should be enquired into and corrected by the said Supreme Court of the United States. That a full and complete transcript of the record ~~of the record~~ of the proceedings and Judgment aforesaid was by the said Clerk of said Court made up and certified in time for the same to have been filed within the first six days of the present term of the said Supreme Court of the United States. That the said transcript was enclosed and forwarded by Mail to the Honble John C Wright at Washington City on, or about the 11th or 12th of January 1829 by order of the Plaintiff in Error, having been filed and the Plaintiffs in Error having failed to lodge a transcript

ably to the rules of this Court. It is therefore adjudged dismissed and that the said writ of Error in this cause and ordered that this cause be and the same is hereby dismissed. "Jn. M. Ch. Sup. Marshall"

57 Le Roy. Bayard & Co. vs The Hope Insurance Company of Boston

This cause was argued by Mr Webster for the Defendants in Error.

59 Joseph Mandeville & al vs Romulus Riggs

The argument of this cause was continued by Mr Wirt for the appellee.

Proclamation being made the Court is adjourned until Monday morning next at eleven Oclock.

Monday Febuary 23d 1829.

Pursuant to adjournment the Court met this morning at the Capitol.

Present

The Honorable	John Marshall	Chief Justice
	Bushrod Washington	
	William Johnson	
	Gabriel Duvall	
	Joseph Story and	
	Smith Thompson	
The Hable		Assocate Justices

Proclamation being made the Court is opened.

58. Samel Wilkinson plff in Er. vs. Thomas Leland and Cynthia Brown Leland wife of the said Thomas both of Windsor in the County of Windsor in the Vermont District, Gage Carlton and Elizabeth Wait Carlton wife of the said George both of Duxbury in the County of Essex in the said Vermont District, Samuel Hastings the second of that name and Jonathan Sanches Hastings both of St Johnsbury in the County of Caledonia in the said Vermont District, William Jones Hastings of Craftsbury in the County of Orleans in the same Vermont District, Lambert Hastings and Joel Hastings both of St Johnsbury, Hamet Mann

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of Rhode Island and was argued by Counsel, On consideration whereof, It is the opinion of this Court that there was error in the said Circuit Court in refusing to give the charge to the Jury, which was requested by the Defendants Counsel as stated in the Bill of Exceptions, and that there was error also in the instruction, which the said Circuit Court gave to the Jury, as stated in the same Bill of Exceptions. It is therefore considered, Ordered and

Hastings of said Windsor all citizens of the State of Vermont and Richard Hastings of Haverhill in the County of Grafton in the New Hampshire District a citizen of the State of New Hampshire, which said Samuel Jack Harriet Maria and Hubbard are Minors under the age of twenty one years and sue by Samuel Hastings of said St Johnsbury a citizen of the State of Vermont their next Friend. — Defendants in Error. — —

adjudged by this Court that for the error aforesaid the Judgment of the said Circuit Court in this cause be and the same is Hereby reversed, and that the said cause be and the same is Hereby remanded to the said Circuit Court with directions to award a venire Facias de novo. —

"Ps. M. Jus. Story."

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57. William Bayard, William Bayard Jr and Robert Bayard, trading under the name and firm of Wm Roy. Bayard & Co. —

vs pltffs in Er.

The President and Directors of the Massachusetts Fire and Marine Insurance Company of Boston. — —

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of Massachusetts and was argued by Counsel; On consideration whereof It is considered, Ordered and adjudged by this Court that the Judgment of the said Circuit Court in this cause be and the same is Hereby affirmed with Costs. "Ps. M. Jus. Marshall"

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58. John Mason & others appts

vs

The Chesapeake and Ohio Canal Company. — —

On Motion of Mr Jones, It is ordered that this cause be set down for argument on next Monday the 2d day of March.

1827 Monday February 25th 1829 Continued.

124.	Amos Binney Appt. vs The Chesapeake and Ohio Canal Company —	On Motion of Mr Jones, It is ordered that this cause be set down for argument on next Monday the 2d day of March. —
1/.	Joseph Vansville & others — vs Romulus Riggs — Appts.	The argument of this cause was concluded by Mr Jones for the Appellants. —
21.	James Connelly and others appts. vs Richard Taylor and others.	The argument of this cause was continued by Mr Sergeant for the Appellees. —

Proclamation being made the Court is adjourned until tomorrow morning at eleven Oclock. —

Pursuant to adjournment the Court met this morning at the Capitol.

Present

The Honorable	John Marshall	Chief Justice
	Bushrod Washington	
	William Johnson	
The Hon'ble	Gabriel Duvall	Associate Justices.
	Joseph Story and	
	Smith Thompson	

Proclamation being made the Court is opened

John F. Talleloe &c.		The cause came on to be heard
54.	Pltff in Err.	on the transcript of the record
Elizabeth Matthewson		from the Supreme Court of
		the State of Pennsylvania

for the Middle District of Pennsylvania and was argued by Counsel. On consideration whereof, It is considered, adjudged and ordered by this Court that the Judgment of the said Supreme Court for the State of Pennsylvania in this cause be and the same is hereby affirmed with costs.

"Pr. Mr. Justice Washington"

"Mr. Justice Johnson, Dissenting"

Le Roy Bayard & Co. &c.		The cause was argued by
20	Pltffs in Err.	Mr. Webster for the de-
Rutger Jan Schimmelpennick		fendant in Error. &c.

1829 Tuesday February 24th 1829 Continued.

21	James Connelly & others. vs Appts Richard Taylor & others		The argument of this cause was continued by Mr Sergeant for the appellees.

Proclamation being made the Court is adjourned until to-morrow morning at eleven Oclock.

Pursuant to adjournment the Court met this morning at the Capitol.

Present

The Honorable	John Marshall	Chief Justice.
The Hon'ble	Bushrod Washington William Johnson Gabriel Duvall Joseph Story and Smith Thompson	Associate Justices

Proclamation being made the Court is opened.

On motion leave is made to the Court that Richard Peters Esquire be admitted to practice as an attorney and counsellor of this Court.

The Bank of Hamilton plff in Error
vs
The Dispa of Hudson Lumley Deft

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of Ohio and was argued by counsel; On consideration whereof it is considered ordered and adjudged by this Court that the Judgment of the said Circuit Court in this cause be and the same is hereby affirmed with costs.

"P. M. Ch: Jus: Marshall"

20	Henry Bayard William Bayard & Jacob Le Roy and Robert Bayard Appellants vs Rulyer Van Schaumenpennick	This cause came to be heard on the transcript of the record from the Circuit Court of the United States for the District of New York and was argued by counsels On consideration whereof It is considered, ordered and adjudged by this Court that the Judgment of the said Circuit Court in this cause be and the same is hereby affirmed with costs and damages at the rate of seven \% per centum per annum. "Jo. Mc Ch. Jus: Marshall"
97	Propagation Society vs Appellees The Town of Pawlet and Ozias Clark.	It is ordered that the motion made by Mr Mallary February 21st 1829 in this cause be overruled and refused, and that this cause stand for trial at the present term of this Court.
121	John Mason & others vs Appellees The Chesapeake and Ohio Canal Company	On motion of Mr Key. It is ordered that the argument of this cause be postponed to Friday the 6th day of March next.
124	Amos Binney Appellant vs The Chesapeake and Ohio Canal Company	On motion of Mr Key. It is ordered that the argument of this cause be postponed to Friday the 6th day of March next.

21.	James Caverly & others vs Appts. Richard Taylor & others.	The argument of this cause was continued by Mr Wirt for the Appellants.

Proclamation being made the Court is adjourned until tomorrow morning at eleven O'clock.

Thursday February 26th 1829.

Pursuant to adjournment the Court met this morning at the Capitol.

Present

The Honorable	John Marshall Bushrod Washington William Johnson	Chief Justice.
The Hon'ble	Gabriel Duvall Joseph Story and Smith Thompson	Associate Justices.

Proclamation being made the Court is opened.

21.	James Connelly and others vs Richard Taylor and others	The argument of this cause was concluded by Mr West for the Appellants.

61.	William Thornton. plff in Er vs William Thornton defendt William Wynn	On motion of Mr E C Lee suggesting the death of the Plaintiff in Error the record that Anne Maria Thornton Executrix of William Thornton deceased be admitted a party to this suit with liberty to prosecute the writ of Error. And on motion of Mr E C Lee It is ordered that this cause be continued to the next term of this Court.

10.	William Thornton plff in Er vs The Bank of Washington	On motion of Mr E C Lee suggesting the death of the Plaintiff in Error It is ordered that Anne Maria Thornton

Executrix of William Thornton deceased, be admitted a party to this suit with liberty to prosecute this writ of Error — And on motion of Mr. C. C. Lee it is ordered that this cause be continued to the next term of this Court.

63 Anthony Butler & another Plffs in Er.
vs
Joshua Baldwin for the use of H. W. Hanna and Isaac Osgood. —

This cause was argued by Mr Cox for the defendants in Error. —

63. Anthony Butler and Merry Bracey Plffs in Er.
vs
Joshua Baldwin for the use of H. W. Hanna and Isaac Osgood. —

This cause came on to be heard on the transcript of the record from the District Court of the United States for the District of Mississippi, and was argued by counsel, on consideration whereof, It is ordered, adjudged and adjudged by this Court that the Judgment of the said District Court in this cause be and the same is hereby affirmed with costs, and damages at the rate of Ten /10/ per centum per annum. — "Jno. M Ch Jus Marshall"

47 Ann Shanks and others Plffs in Er.
vs
Abraham Dupont & others

The argument of this cause was commenced by Mr Berrien for the Plaintiffs in Error.

Proclamation being made the Court is adjourned until tomorrow morning at eleven O'Clock. —

1135 Friday February 27th 1829.—

Pursuant to adjournment the Court met this morning at the Capitol.

Present

The Honorable	John	Marshall	Chief Justice
	Bushrod	Washington	
	William	Johnson	
The Honble	Gabriel	Duvall	Assocate Justices.
	Joseph	Story and	
	Smith	Thompson	

Proclamation being made the Court is opened.—

	Ann Shanks &others — vs Piffo in Er. Newham Defendt &others	The argument of this cause was continued by Mr Crupper for the Plaintiffs in Error and by Mr Legare for the Defendants in Error.
49		
50	The Lessee of William A. Powell & others — vs Plffs. John Harman	On motion of Mr Swann, stating that the question on which this cause comes up has been decided by this Court in another case It is Ordered that this cause be submitted to the consideration of the Court on the transcripts of the record.—
32	I Harper Plff. in Er. vs Anthony Butler	This cause was argued by Mr Jones for the Plaintiff in Error.—

53. The President Directors and Company of the Bank of the United States. appts
vs
Daniel Wenger and John H. Hanna. appees

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of Kentucky, and was argued by Counsel; On consideration whereof. This Court is of opinion that the said Circuit Court erred. Whereupon, It is considered, Ordered and Decreed that the Decree of the said Circuit Court in this cause be and the same is hereby reversed and annulled. And this court proceeding to give such decree in this cause as the said Circuit Court ought to have given, doth order and decree that the said defendants do pay the complainants in the Court below the amount of the note being the debt in their bill set forth and claimed with interest thereon according to the tenor thereof together with their costs and charges by them about their suit in the Court below expended. And this court doth further Order that this cause be remanded to the said Circuit Court with directions for further proceedings to be had therein according to law and justice. [illegible] Friday 27th 1829

"Jas. M. Dus. Johnson"

Friday February 27th 1829 Continued.

51. David Hunt Jonathan Hunt Reuben Hunt Benjamin Laurence and Rebecca his wife Appellants

vs

Robert Wickliffe

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of Kentucky and was argued by Counsel On consideration whereof, It is considered, ordered and Decreed by this court that the Plaintiffs have leave to amend their bill and make new Parties.

"P. P. Ch. Jus. Marshall"

"Proclamation being made the Court is adjourned until tomorrow morning at eleven Oclock."

+decree of the decree of the said Circuit Court in this cause be and the same is hereby reversed and annulled, and that this cause be and the same is hereby remanded to the said Circuit Court with directions that the

Pursuant to adjournment the Court met this morning at the Capitol.

Present

The Honorable	John	Marshall	Chief Justice.
	Bushrod	Washington	
	William	Johnson	
The Honble.	Gabriel	Duvall	Associate Justices
	Joseph	Story and	
	Smith	Thompson	

Proclamation being made the Court is opened.

Samuel	Meredith	Depeu	Mr Wickliffe of counsel
	vs	pltff in Er	for the Defendants in Error
William	Bradford and		returned the rule granted
Ewes	Daniel ———		in this cause on a prior
			day of this Term Viz.

the 28th day of January in the year of our Lord Eighteen hundred and twenty nine commanding the Plaintiff in Error to appear either in person or by counsel before this Court on the 28th day of February A.D. 1829. in the present January Term of this Court then and there to shew cause why the writ of Error to the Circuit Court of the United States for the District of Kentucky should not be dismissed for want of jurisdiction, and filed the same with an acknowledgment of service thereof by S. S. Cruttenden attorney for Meredith Depeu, and moved the Court in pursuance of said rule to dismiss this cause for want of Jurisdiction - Which motion was opposed by Mr Bell

1839. Saturday February 28th 1839 Continued.

Court to extend the same & make it returnable on the first day of the next January Term of this Court. Whereupon it is considered and Ordered by this Court that a rule be and the same is hereby granted to be served on the Plaintiff in Error & his Counsel commanding him to appear either in Person & by Counsel before this Court on the Second Monday of January in the year of our Lord Eighteen Hundred and thirty being the next ensuing January Term of our Court then and there to shew cause if any he have why the writ of Error to the Circuit Court of the United States for the District of Kentucky should not be dismissed for want of Jurisdiction. "P. N. B. Ius. Marshall"

6 Plowden Weston & others Plffs in Er vs The City Council of Charleston

This cause was argued by Mr Haynes for the Plaintiffs in Error and by Mssrs Cruger & Pegard for the Defendant in Error.

66 The Bank of the United States Plff vs William Owens and others

This cause was argued by Mr Sergeant for the Plaintiff.

72 Charles N. Beatty & another Appts vs Samuel Bufard & others

The argument of this cause was commenced by Mr C. C. Lee for the Appellants and continued by Mr Dunlop for the appellee.

Proclamation being made the Court is adjourned until Monday morning next at eleven O'clock.

Pursuant to adjournment the Court met this morning at the Capitol.

Present

The Honorable	John	Marshall	Chief Justice
The Honble	Bushrod	Washington	Associate Justices
	William	Johnson	
	Gabriel	Duvall	
	Joseph	Story and	
	Smith	Thompson	

Proclamation being made the Court is opened.

On motion Ordered that Charles B. Penrose Esquire of Pennsylvania be admitted to practise as an attorney and Counsellor of this Court.

7	Charles A Beatty & others Appellants vs Daniel Bussard & others	The argument of this cause was continued by Mr Sp. J. Hurd of the Key for the Appellees and concluded by Mr C. B. Penrose for the appellants.

33	I — — Harper Plff in Er. vs Anthony Butler —	This cause came on to be heard on the transcript of the record from the District Court of the United States for the District of Mississippi, and was argued by Counsel On consideration whereof it is considered ordered and adjudged by this Court that the Judgment of the said District Court in this cause be and the same is hereby

reversed, and that the said cause be and the same is hereby remanded to said District Court with directions to award a venire facias de novo. ~

"Jr. M. Ch. Jus. Marshall"

David English & others vs Appts Catherine Fogall ~	The argument of this cause was commenced by Mr Key for the appellants and continued by Mr Jones for the Appellee. ~

David English & others vs Appts Catherine Fogall ~	The argument of this cause was commenced by Mr Key for the appellants and continued by Mr Jones for the Appellee. ~

Proclamation being made the Court is adjourned until tomorrow morning at eleven Oclock. ~

Pursuant to adjournment the Court met this morning at the Capitol

Present

The Honorable	John Marshall	Chief Justice
	Bushrod Washington	
	William Johnson	
The Honble	Gabriel Duvall	Associate Justices
	Joseph Story and	
	Smith Thompson	

Proclamation being made the Court is opened.

On motion Just made to the Court, It is ordered that Jos. C. Hornblower Esqre of New Jersey be admitted to practise as an attorney and Counsellor of this Court.

50 The Lessee of William S. Powell & others Pltffs below
vs
John Harman Deft

This cause came on to be heard on a certificate of division of Opinion of the Judges of the Circuit Court of the United States for the District of West Tennessee and on the questions and points on which the said Judges of that Court were divided in opinion and which have been certified to this Court, and was argued by counsel, On Consideration whereof This court is of opinion that under the Statute of Limitations of Tennessee of Seventeen Hundred and ninety Seven a Possession of Seven years is a protection only when held under a grant or some valid mesne conveyance or a paper title, which can be said or equitably connected with a grant and that a

void deed is not such a conveyance as that a possession under it will be protected under the Statute of limitations All which is directed and decreed to be certified to the said Circuit Court of the United States for the Seventh Circuit and District of West Tennessee. —

"Jn. M.L Ch: Jus: Marshall"

Edmund Campbell & Others Heirs of William Campbell dec'd Appellants

vs.

Henry Pratt Thomas Willing Francis John Miller & John Ashley Jacob Baker Samuel Ward and the Representatives of William M.Duncanson and Thomas Law — —

"Jn. M.L Jus: Johnson"

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of Columbia holden in and for the County of Washington, and was argued by Counsel, On consideration whereof, it is considered, ordered and decreed by this Court that the decree of the said Circuit Court in this cause be and the same is hereby affirmed with Costs. —

"Jn. M.L Jus: Johnson"

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31. David Hunt and others vs. Robert M.Ickliffe Appellee

Mr. M.Ickliffe of Counsel for the Appellee moved the Court for leave to re argue this cause the consideration of which motion is ordered to be Postponed.

40 The Bank of the Commonwealth of Kentucky ... Plff in Er
vs
John Wister and others

On motion of Mr Caswell of counsel for the defendants in Error, It is ordered that the Clerk of this Court do forthwith deliver to him a mandate in this case.

41 The Bank of the Commonwealth of Kentucky ... Plff in Er
vs
John Ashley & John Ellis &r

On motion of Mr Caswell of counsel for the defendants in Error, It is ordered that the Clerk of this Court do forthwith deliver to him a mandate in this case.

146 Thomas F. Hinde and Wife Plff in Er
vs
The Heirs of Charles Vallier

Mr Caswell of counsel for the defendant in Error moved the Court for leave to take from the office of the Clerk of this Court a certificate of the dismissal of this case, On consideration whereof, it is ordered that said motion be overruled.

73 David English & others Appellt
vs
Catherine Topall

The argument of this cause was continued by Mr Jones for the appellants and concluded by Mr Key for the Appellants.

Tuesday March 3rd 1829 Continued.

74	Daniel English & others. vs Appts. Catherine Foxall	The argument of this cause was continued by Mr. Jones for the Appellees and concluded by Mr. Key for the Appellants.
43	William H. Wallace vs Pltffs. The United States.	This cause was argued by Mr. Ogden for the Plaintiff in Error and by the Attorney General for the Defendants in Error.

Proclamation being made the Court is adjourned until tomorrow morning at eleven oclock.

Pursuant to adjournment the Court met this morning at the Capitol.

Present.

The Honorable	John Marshall	Chief Justice
	Bushrod Washington	
	William Johnson	
The Honble	Gabriel Duvall	Associate Justices.
	Joseph Story and	
	Smith Thompson	

Proclamation being made the Court is opened.

Proclamation being made the Court is adjourned until tomorrow morning at eleven Oclock.

1147 Thursday March 5th 1829

Pursuant to adjournment the Court met this morning at the Capitol

Present

The Honorable	John Marshall Bushrod Washington William Johnson	Chief Justice
The Honble	Gabriel Duvall Joseph Story and Smith Thompson	Associate Justices.

Proclamation being made the Court is opened —

On motion first made to the Court It is Ordered that Theodore Frelinghuysen Esquire of New Jersey and Frederic de Peyster Esquire of New York be admitted to practise as attorneys and counsellors of the Court. —

121	Solomon Southwick & others vs The Post Master General of the United States.	The motion made by Mr Attorney General on a former day of this term Court Saturday February 7th 1829 to dismiss this cause for want of Jurisdiction was argued by Mr R. M. Taylor of Counsel for the Plaintiffs in Error.
111	The Bank of the United States Plff in Er. vs Thomas S Cornwall	The argument of this cause was commenced by Mr Cornwell for the Plaintiff in Error and continued by Mr Benham for the Defendant in Error. —

Proclamation being made the Court is adjourned until tomorrow morning at eleven o'clock.—

Friday March 6th 1829

Pursuant to adjournment the Court met this morning at the Capitol—

Present

The Honorable John Marshall Chief Justice
Bushrod Washington
William Johnson
The Honble Gabriel Duvall } Associate Justices
Joseph Story and
Smith Thompson

Proclamation being made the Court is opened

On Motion first made to the Court It is ordered that John Varnum Esquire of Massachusetts and Nathan Sanford Esquire of Pennsylvania be admitted to practise as attornies and counsellors of this Court.

101. The Bank of the United States vs. Hepburn & Dundas — The argument of this cause was concluded by Mr Sergeant for the Plaintiff in Error.

45. John Eagle Lumsdaine vs. The Trustees of the Tarlsburg Harbor in the City of New York Tenants — The argument of this cause was commenced by Mr Talcott for the Tenants.

Proclamation being made the Court is adjourned until tomorrow morning at eleven o'clock.

Pursuant to adjournment the Court met this morning at the Capitol.

Present

The Honorable	John Marshall	Chief Justice
	Bushrod Washington	
	William Johnson	
The Honble.	Gabriel Duvall	Associate Justices
	Joseph Story and	
	Smith Thompson	

Proclamation being made the Court is opened.

181. Solomon Southwick, Spencer Stafford & John V. N. Yates Appellants vs. The Postmaster General of the United States. Appellee.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the Southern District of New York and on the motion of the Attorney General made in this cause at a former day of this term to dismiss this cause for want of jurisdiction, and was argued by counsel; On consideration whereof, It is considered ordered and adjudged by this Court that the writ of Error in this cause be and the same is hereby dismissed for want of jurisdiction.

"P. M. Ch. Jus. Marshall"

21. James Connelly & others. Appellants vs. Richard Tayla & others.

On motion of Mr Wirt to reargue this cause. It is ordered that said motion be overruled.

Saturday - March 7th 1829 Continued.

James Connelly, Thomas Connelly, Margret Connelly, Laura Laura, Frances Bailey and Samuel Mifflin. Appellants

21. vs

Richard Taylor Executor Estate William Tyler and Henry Clay Appellees

"P. M. Ch. Sw. Marshall"

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of Kentucky and was argued by Counsel, on consideration whereof It is considered, ordered and decreed by this Court that the decree of the said Circuit Court in this cause be and the same is hereby affirmed with costs.

James Hunt and others Appellants

51. vs

Robert Wickliffe Appellee

It is ordered that the motion made in this cause by M'Clung for Wickliffe for a reargument be overruled.

Williams & Gardner Plaintiffs

26. vs

John A Collins & others.

Mr Robbins of counsel for the defendants moved the Court for leave to reargue this cause, which motion was opposed by Mr Hazard of counsel for the Plaintiffs. Whereupon it is ordered that the consideration of this motion be postponed.

Ex parte John L Tillinghast

Mr Key moved the Court for a rule to be granted to be issued on the District Judge of the Southern District of New York commanding him to be and appear before this Court to shew cause why a Mandamus should not be awarded to the said District Judge of the Southern District

of New York commanding that John L. Dillinghast one of the Attornies of that Court whose name has been Stricken from the Roll of Attornies of that Court be restored. The consideration of which motion is ordered to be Postponed. —

Ex parte. Martha Bradstreet. —

Mr Key moved the Court for a rule to be granted to be served on the District Judge of the Southern District of New York commanding him to be and appear before this Court to shew cause why a mandamus should not be awarded to the said District Judge of the Southern District of New York commanding him to sign the Bills of Exceptions taken in the case of James Jackson ex dem. Martha Bradstreet against Daniel Thomas and in the case of the same Plaintiff against Joseph Kirkland. The consideration of which motion is ordered to be Postponed. —

45. John Inglis. Demandant. vs The Trustees of the Tailors Society Harbach. Tenants. —

The argument of this cause was continued by Mr Talcott for the Tenants. — —

Proclamation being made the Court is adjourned until Monday Morning next at eleven O'clock. —

Monday March 9th 1829.

Pursuant to adjournment the Court met this morning at the Capitol.

Present

The Honorable	John Marshall	Chief Justice.
	Bushrod Washington	
	William Johnson	
The Honble.	Gabriel Duvall	Associate Justices.
	Joseph Story and	
	Smith Thompson.	

Proclamation being made the Court is opened.

James Foster & Pleasants Elam.		This cause came on to be heard on the transcript of the record
27	Pffs in Err.	from the District Court of the
Isaac Nelson		United States for the Eastern

District of Louisiana and was argued by counsel, On consideration whereof this Court is of opinion that the said District Court committed no error in dismissing the Petition of the Plaintiffs Therefor it is considered Ordered and adjudged by this Court that the Judgment of the said District Court in this cause be and the same is hereby affirmed with costs.

"P. M. Ch. Jus Marshall"

William C. Gardner		On consideration of the motion
26	Pffs.	made by Mr Robbins on Saturday
John A. Collins & others.		March 7th 1829 for a re argument
		of this case - It is Ordered that
		said motion be overruled.

Ex parte. John L. Tillinghast.

On consideration of the motion made by Mr Fay, on Saturday March 7th 1829. for a rule to be served on the District Judge of the Southern District of New York to shew cause why a mandamus should not be granted by this Court commanding said Judge to restore John L. Tillinghast one of the attornies of that Court whose name has been struck from the roll of attornies of said Court, it being the opinion of this Court that it cannot entertain Jurisdiction of said motion. It is ordered that said motion be overruled and rule refused.

"P. M. Ch. Jus. Marshall"

45. John Ingles, Demandant
vs
The Trustees of the Fairhaven Piney Harbour &c Tenants.

The argument of this cause was continued by Mr Ogden for the defendant.

Proclamation being made the Court is adjourned until tomorrow morning at eleven Oclock.

Tuesday March 16th 1829

Pursuant to adjournment the Court met this morning at the Capitol—

Present

The Honorable	John	Marshall	Chief Justice
	Bushrod	Washington	
	William	Johnson	
The Honble.	Gabriel	Duvall	Associate Justices
	Joseph	Story and	
	Smith	Thompson	

Proclamation being made the Court is opened.—

David English, Walter Smith Leonard Mackall and Jacob Hoffman
vs
Catharine Fogall

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of Columbia, holden in and for the County of Washington and was argued by counsel On consideration whereof this Court is of opinion, that the decree of the said Circuit Court in this cause is erroneous in this that there is nothing in the first bill to sustain the particular relief granted as to the defendant Whereupon, it is considered Ordered and decreed by this Court that the decree of the said Circuit Court so far as it grants the particular relief as to the defendant in this cause be and the same is hereby reversed and annulled, and that the residue of said decree in all things else be and the same is hereby affirmed Omitting the name of Mrs Fogall in the amendment directed to be made and that this cause be and the same is hereby remanded to the said Circuit Court for further proceedings to be had therein according

74. Samuel English Walter Smith, Samuel Mackall and Jacob Hoffman Trustees of Henry Fayall and Samuel McKenney & Mary Anne his wife, Henry F. McKenney, Margaret Anne F. McKenney, Sarah McKenney, Mary McKenney and Henrietta McKenney — Appellants

vs

Catherine Fayall —

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of Columbia holden in and for the County of Washington and was argued by counsel, On consideration Whereof it is considered, Ordered and Decreed by this Court that the decree of the said Circuit Court in this cause be and the same is hereby affirmed with costs — "J. M'Kinley Thompson"

105. The President Directors & Company of the Bank of the United States — Appellants

vs

Thomas H. Carneal —

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of Ohio and was argued by counsel, On consideration Whereof, This Court is of opinion that the Circuit Court erred in the instruction given to the Jury upon the motion of the Counsel for the defendant (Carneal) that the writing addressed by the Plaintiffs was insufficient in law to charge the defendant and never him liable as endorser of the note mentioned in the Bill of Exceptions as in the same Bill of exceptions is at large set forth. It is therefore considered Ordered and adjudged by this Court that the Judgment of the said Circuit Court in this cause be and the same is hereby reversed and

Tuesday March 10th 1829 Continued.

John Inglis. Lieutenant vs The Trustees of the Sailors Free Harbour &c Tenants.	The argument of this cause was continued by Mr Alberton for the Lieutenant.
Saunders Weston Nothing. vs The City Council of Charleston	The argument of this cause was concluded by Mr Magrath for the Plaintiffs in Error.

Proclamation being made the Court is adjourned until tomorrow morning at eleven Oclock.

Pursuant to adjournment the Court met this morning at the Capitol —

Present

The Honorable John Marshall Chief Justice
Bushrod Washington
William Johnson
The Hon'ble. Gabriel Duvall Associate Justices
Joseph Story and
Smith Thompson

Proclamation being made the Court is opened.

43 January Goods vers and Merchandizes, John Jacob Astor, William B. Astor, David Stone, Ramsey Crooks Robert Stewart, Michael Bouerman William W. Matthews and William Bostick trading under the firm of the American Fur Company — Claimants — Plffs in Er.
vs
The United States — Defts in Er.

This cause came on to be heard on the transcript of the record from the District Court of the United States for the District of Indiana and was argued by counsel. On consideration whereof, It is considered, decreed and adjudged by this Court that the judgment of the said District Court in this cause be and the same is hereby reversed and annulled and that the cause be and the same is hereby remanded to the said District Court with directions to award a venire facias de novo.

"Jos. Mc Lean Washington"

Wednesday March 11th 1829 Continued.

45.	John Ingles Demandant. vs The Trustees of the Sailors Snug Harbor & Tenants.	The argument of this cause was continued by Mr West for the Tenants.
12.	William G Buckner. vs Jeff- Thomas Tinley and others.	This cause was argued by Mr Samuel Hoffman for the Plaintiff.

Proclamation being made the Court is adjourned until tomorrow morning at eleven Oclock.

Pursuant to adjournment the Court met this morning at the Capitol —

Present

The Honorable	John	Marshall	Chief Justice
	Bushrod	Washington	
	William	Johnson	
The Hon'ble	Gabriel	Duvall	Associate Justices.
	Joseph	Story and	
	Smith	Thompson	

Proclamation being made the Court is opened.

Thomas Swann, Colin Auld & Edmund I'Anson Executors of the late Merchants Bank of Alexandria and John Anderson, James Anderson, Daniel Annin, Samuel Beall, William K. Bosworth, Edmund Brooke Benjamin Burch, Henry H. Bank, James Buchan, George Brent, Junr Richard Wood the younger Cockerell, Hugh Carolin, Daniel Carmack, Samuel Chester, John Case and Nathan Rowe, Partners trading under the firm of Case and Rowe, Joseph Coleman, John Cohagen, James H. Delaney, Camillus Griffith, Samuel Farrow, Robert Gilly, Alex Hutchells, J. Hagerty Junr,

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of Columbia holden in and for the County of Alexandria and was argued by counsel, On consideration whereof it is the opinion of this Court that there is error in the decree of the said Circuit Court in dismissing the Bill against the defendants when process was not served and also against the defendants against whom the Bill was taken pro confesso and set down for a hearing, and also error in the said Court in not

Hyde John McPherson and Daniel McPherson late joint merchants and co Partners under the firm of John McPherson & son, Daniel McPherson Charles Mabry Norman Moore Thomas Mount James A Fendall admr of Ferdinand Marbella Joseph Manneville Joseph Manneville and Samuel B. Lemmon joint Merchants and co partners under the firm of Manneville and Lemmon Robert Manneville and James Manneville joint merchants and Copartners under the firm of Robert and James Manneville William McMill Robert A Mills Thomas Thomas Pickerelle Francis Digges Robert Herbert admr of William Patton jun dec Thomas Hall Thomas Chew James M Fendall Nathan Towers and Thomas Ingram Robert Lemmon Daniel Towers James F Scott John A. Stuart William Smith Thomas Semmes Hawkins Simpson Francis Digges William A Duncanson admr of William Fenwick Ambrose Dixon Robert A Wood Jun Robert Young Isaac Watkins Gale & Wells the Mechanics Bank of Alexandria the Bank of Washington Bank of the Metropolis the Patowmac

revived before said Decree against the personal representatives of the Parties thereto who were Seized with Grants and died during the pendency of the said suit who were known and might have been brought before the Court. It is therefore Ordered adjudged and Decreed by this Court that the decree of the said Circuit Court in this cause be and the same is hereby reversed and annulled and that the cause be and the same is hereby remanded to the said Circuit Court with directions to cause the same to be reinstated as to the defendants aforesaid against whom the Bill was taken Proceedings and set down for a hearing and by the decree dismissed - And also with directions that the personal representatives of the defendants who were finding the suit who are known and may be brought before the said Circuit Court be made Parties thereto and the Bill revived as to them - And also with directions that all the other defendants named in the Bill who were not served with

Town and Washington Franklin Bank of Baltimore, The Bank of Chambersburg Bank of Westerford The Bank of Winchester.
— Appellants. —
vs
49. Romulus Riggs appellee. —

proceedings may be had to bring them before the Court, & when the Bill was commenced & the same may be brought before the Circuit Court of Jefferson as provides. And that such further proceedings & decree may be had therein as to justice and equity may appertain. —

"F. H. Jus. Story"

Geo. Brent Pltff in Er
vs
52. Nathan Ellis & others

The argument of this cause was commenced by Mr Wirt for the plaintiff in Error and continued by Mr Simmons for the Defendants in Error. —

William J Galt & others.
vs Appellee
70 Elias Langham & others.

On motion of the counsel for the appellees and by consent of Mr Scott of counsel for the appellants. It is ordered that this cause be and the same is hereby continued to the next term. —

Thursday. March 12th 1829. Continued.

137

David Hunter Claimant of 350 Bales of Cotton - Appellant
vs
The American and Ocean Insurance Companies of New York.

On motion of Mr Crouch to dismiss this cause as the proceedings upon which it is founded were not authorized by the Mandate of this court issued in the cause at the last term; and that the appellant do pay all the costs and expenses incurred by the Respondents in resisting the same - It is ordered that said motion be set down for argument on Saturday next the 14th instant -

Proclamation being made the Court is adjourned until tomorrow morning at eleven Oclock -

Pursuant to adjournment the Court met this morning at the Capitol —

Present.

The Honorable	John Marshall	Chief Justice	
	Bushrod Washington		
	William Johnson		
The Hon'ble	Gabriel Duvall		Associate Justices
	Joseph Story and		
	Smith Thompson		

Proclamation being made the Court is opened.

45. John Inglis, Lessee &c. vs The Trustees of the Sailors Snug Harbor &c. Tenants. —

The argument of this cause was concluded by Mr Ld Lee for the Tenants. on

Proclamation being made the Court is adjourned until tomorrow morning at eleven Oclock. —

Saturday March 14th 1829.

Pursuant to adjournment the Court met this morning at the Capitol —

Present

The Honorable	John	Marshall	Chief Justice
	Bushrod	Washington	
	William	Johnson	
The Honble	Gabriel	Duvall	Associate Justices
	Joseph	Story and	
	Smith	Thompson	

Proclamation being made the Court is opened —

137 Wm Wirt & Dabney Carr Clerk of the Dist. Court of Va Appellants vs The American Insurance Company & The Ocean Insurance Company of New York. —

The motion made by Mr Cruger on a prior day of this term of the Court on Thursday the 13th inst. to dismiss this cause because the Proceedings upon which it is founded were not authorized by the Mandate of this Court issued in the case at the last term, was argued by Mr Cruger in support of said motion and by Mr Webster and Coxe against it.

139 James L. Cathcart Admr &c Appellant vs William Robinson —

On motion of Mr C. C. Lee it was ordered that this cause be dismissed by reason of the insufficiency of the security in the appeal bond for costs, was argued by Mr Coxe & Key against the motion and by Mr Lee in support of it.

62. John McKinney & others Appellants vs John Carroll

On motion of Mr Jones of counsel for the appellants It is ordered that this cause be and the same is hereby continued to the next term.

64. John Fisher Jeffers & Co Plaintiffs in Error vs James Higgins

On motion of Mr Jones of counsel for the Plaintiff in Error It is ordered that this cause be and the same is hereby continued to the next term.

65. John Fisher Jeffers & Co Plaintiffs in Error vs William Cockerell

On motion of Mr Jones of counsel for the Plaintiff in Error It is ordered that this cause be and the same is hereby continued to the next Term.

68. Anthony J. Chiene & others vs Jeffers & Co Plaintiffs in Error George Reinicker

The argument of this cause was commenced by Mr Mayer for the Plaintiffs in Error.

Proclamation being made the Court is adjourned until Monday morning next at eleven Oclock.

Monday March 16th 1829

Pursuant to adjournment the Court met this morning at the Capitol —

Present

The Honorable	John Marshall	Chief Justice.
The Honble	Bushrod Washington William Johnson Gabriel Duvall Joseph Story and Smith Thompson	Associate Justices

Proclamation being made the Court is opened. —

Thomas T Willson — Plff in Error 53. vs Andrew Watkins —	The death of the defendant in Error being suggested On motion of Mr Berrien in behalf of the Heirs and devisees of Andrew Watkins and with the consent of the Counsel for the Plaintiff in Error. It is ordered that the said Heirs and devisees have leave to enter their appearance as defendants in Error in this cause. And it is further ordered that the said cause be continued to the next Term. —
The Bank of the United States. — Plffs 53 vs Samuel Swayne and — John H Hanna —	Mr Bibb having suggested that Samuel Swayne one of the appellees in this cause had departed this life and prayed the revivor of the decree by this court in this cause, moved the Court to set aside the decree in this cause. The consideration of which motion is ordered to be Postponed. —

Anthony F. Chirac Fathers. The argument of this cause
vs was continued by Mr Mayer
68 Gerge Boineker for the Plaintiffs in Error
continued by Mr Clint
for the Defendant in Error and concluded by
Mr Hoffman for the Plaintiffs in Error.

1. Ex parte. The United States.

On consideration of the motion
made by the Attorney General of the United States, on a prior
day of this term to wit. On Saturday the 7th February 1829
for a rule to be issued on the District Judge of the United
States for the District of Arkansaw to appear before this Court
and then and there shew cause if any he have why this Court
should not award a Mandamus commanding him the said
District Judge to allow an appeal in the case of Louis
Placide against the United States On a petition for six Hundred
Arpens of land, the attorney General contending that the limitation
of the right of appeal allowed by the Statute of 1824 did not apply
to the United States. It is considered and ordered by this Court
that the rule prayed for be refused and that the said motion
be and the same is hereby overruled. "J. Marsh Ch Jus. Marshall"

2. Ex parte. The United States.

On consideration of the motion
made by the Attorney General of the United States, on a prior
day of this term, to wit On Saturday the 7th February 1829 for
a rule to be issued on the District Judge of the United States
for the District of Arkansaw to appear before this Court and
then and there shew cause if any he have why this Court should

Judge to allow an appeal in the case of Noah Wells against the United States on a petition for six hundred and forty arpens of land, the Attorney General continuing that the limitation of the right of appeal allowed by the Statute of 1824 did not apply to the United States. It is considered and ordered by this court that the rule prayed for be refused and that the said motion be and the same is hereby overruled — "Jr. M.r Ch. Jus. Marshall"

Ex Parte. The United States.

On consideration of the motion made by the Attorney General of the United States, on a former day of this Term, to this Saturday 7th February 1829 for a rule to be served on the District Judge of the United States for the District of Arkansaw to appear before this Court and then and there shew cause if any he have why this court should not award a mandamus commanding him the said District Judge to allow an appeal in the case of Philipe Garso against the United States on a petition for Eight hundred arpens of land the Attorney General continuing that the limitation of the right of appeal allowed by the Statute of 1824 did not apply to the United States. It is considered and ordered by this Court that the rule prayed for be refused and that the said motion be and the same is hereby overruled — "Jr. M.r Ch. Jus. Marshall"

4. Ex parte. The United States.

On consideration of the motion made by the Attorney General of the United States on a prior day of this term to wit on Saturday February 7th 1829. for a rule to be issued on the District Judge of the United States for the District of Arkansaw to appear before this Court and then and there shew cause if any he have why this court should not award a Mandamus commanding him the said District Judge to allow an appeal in the case of Lovings Marcus against the United States, on a petition for Eight hundred arpens of land, the Attorney General contending that the limitation of the right of appeal allowed by the Statute of 1824 did not apply to the United States It is considered and ordered by this Court that the rule prayed for be refused and that the said motion be and the same is hereby overruled. "Jn. M. Ch. Jus. Marshall"

5. Ex parte. The United States.

On consideration of the motion made by the Attorney General of the United States on a prior day of this term, to wit, on Saturday, February 7th 1829. for a rule to be issued on the District Judge of the United States for the District of Arkansaw to appear before this Court, and then and there shew cause if any he have why this court should not award a Mandamus commanding him the said District Judge to allow an appeal in the case of Frances Vaugine against the United States, on a petition for Eight hundred arpens of land, the Attorney General contending that the limitation of the right of appeal allowed by the Statute of 1824. did not apply to the United States. It is considered and ordered by this Court that the rule prayed for be refused, and that the said motion

Ex parte The United States.

On consideration of the motion made by the Attorney General of the United States on a prior day of this term of this Court on Saturday February 7th 1829 for a rule to be served on the District Judge of the United States for the District of Arkansaw to appear before this Court and then and there show cause if any he have why this Court should not award a Mandamus commanding him the said District Judge to allow an appeal in the case of Sylvanus Phillips against The United States on a petition for Eight Hundred arpens of land. The Attorney General contending that the limitation of the right of appeal allowed by the Statute of 1824 did not apply to the United States. It is considered and ordered by this Court that the rule prayed for be refused and that the said motion be and the same is hereby overruled. —

"P. M. Ch. Jus Marshall"

Ex parte The United States.

On consideration of the motion made by the Attorney General of the United States on a prior day of this term of this Court on Saturday February 7th 1829 for a rule to be served on the District Judge of the United States for the District of Arkansaw to appear before this Court and then and there show cause if any he have why this Court should not award a Mandamus commanding him the said District Judge to allow an appeal in the case of Charles Phillips heirs against The United States on a petition for Eight Hundred arpens of land, the Attorney General contending that the limitation of the right of appeal allowed by the Statute of 1824 did not apply to the United States — It is considered and ordered by this Court that the rule prayed for be refused and that the said motion be and the same is hereby overruled. —

"P. M. Ch. Jus Marshall"

Ex parte The United States.

On consideration of the motion made by the Attorney General of the United States, on a prior day of this term, leave on Saturday, February 7th 1829, for a rule to be served on the District Judge of the United States for the District of Arkansaw to appear before this court and then and there shew cause if any he have why this court should not award a Mandamus commanding him the said District Judge to allow an appeal in the case of Pedro Lecassus Delugine's against the United States on a petition for Seven thousand and fifty six arpens of land, the attorney general contending that the limitation of the right of appeal allowed by the Statute of 1824, did not apply to the United States It is considered and ordered by this court that the rule prayed for be refused and that the said motion be and the same is hereby overruled. "

Present Chief Justice Marshall"

Ex parte The United States.

On consideration of the motion made by the Attorney General of the United States, on a prior day of this term, leave on Saturday, February 7th 1829 for a rule to be served on the District Judge of the United States for the District of Arkansaw to appear before this court and then and there shew cause if any he have why this court should not award a Mandamus commanding him the said District Judge to allow an appeal in the case of William Russell assignee of Baptiste Soco against the United States on a petition for six hundred arpens of land, the attorney General contending that the limitation of the right of appeal allowed by the Statute of 1824 did not apply to the United States. It is considered and ordered by this court that the rule prayed for be refused and that the said motion be and the same is hereby overruled. "

Present Chief Justice Marshall"

Monday March 16th 1829 Continued.

Ex parte The United States.

On consideration of the motion made by the Attorney General of the United States, on a prior day of this term to wit On Saturday February 7th 1829 for a rule to be granted on the District Judge of the United States for the District of Arkansaw to appear before this Court and then and there shew cause if any he have why this Court should not award a mandamus commanding him the said District Judge to allow an appeal in the case of John Tidwell against the United States, on a petition for six hundred and fifty arpens of land, the Attorney General contending that the limitation of the right of appeal allowed by the Statute of 1824 did not apply to the United States. It is considered and ordered by this Court that the rule prayed for be refused and that the said motion be and the same is hereby overruled. — "P. M. Ch. Jus Marshall"

Ex parte The United States.

On consideration of the motion made by the Attorney General of the United States on a prior day of this term to wit on Saturday February 7th 1829 for a rule to be granted on the District Judge of the United States for the District of Arkansaw to appear before this Court and then and there shew cause if any he have why this Court should not award a mandamus commanding him the said District Judge to allow an appeal in the case of Frances Langue against the United States, on a petition for seven hundred arpens of land, the Attorney General contending that the limitation of the right of appeal allowed by the Statute of 1824 did not apply to the United States. It is considered and ordered by this court that the rule prayed for be refused and that the said motion be overruled. —

"P. M. Ch. Jus Marshall"

Ex parte. The United States.

On consideration of the motion made by the Attorney General of the United States on a former day of this Term touch to Saturday February 7th 1829 for a rule to be issued on the District Judge of the United States for the District of Arkansaw to shew cause if any he have why this Court should not award a mandamus commanding him the said District Judge to allow an appeal in the case of Stephen Vaughn against The United States on a petition for four hundred & eighty dollars and the Attorney General contending that the limitation of the right of appeal allowed by the Statute of 1825 did not apply to the United States. It is considered and ordered by this court that the rule prayed for be refused and that the said motion be and the same is hereby overruled.

"Jn. Mc. Ch. Jus. Marshall"

The State of New Jersey Complt
v
The People of the State of New York. Defts

Bill in Equity
In the Supreme Court of the United States of January Term A.D. 1829.

On Consideration of the motion made by Mr Wirt on a former day of this term touch on Friday being the 20th day of February A.D. 1829 it is considered and ordered that a subpoena be awarded in this case.

Proclamation being made the Court is adjourned until tomorrow morning at eleven o'clock.

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Tuesday March 17th 1829

Pursuant to adjournment the Court met this morning at the Capitol.

Present

The Honorable	John Marshall	Chief Justice.	
	Bushrod Washington		
	William Johnson		
The Honble	Gabriel Duvall		Assocate Justices
	Joseph Story and		
	Smith Thompson		

Proclamation being made the Court is opened —

Charles A. Bailly & John J. Ritchie. Apls &c
vs
Daniel Rupert Daniel Kurtz and John Gozler Trustees and agents for the German Lutheran Church of Georgetown —

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of Columbia holden in and for the County of Washington, and was argued by counsel, On consideration whereof

It is considered ordered and decreed by this Court that the decree of the said Circuit Court in this cause be and the same is hereby affirmed with costs. — "Wm. Mr. Jus. Story"

The President Directors & Company of the Bank of the United States Apls &c
vs
William Owens Herbert G. Waggoner George Wagley and Alexander Miller —

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of Kentucky and on the questions and points on which the Judges of the said Circuit Court were opposed

in opinion, and which were certified to this Court for it's opinion, and was argued by counsel, on consideration whereof. It is the opinion of this Court 1st That the facts set forth and the averments in said plea make out a case in which the Corporation has taken more than at the rate of six per centum per annum upon a loan or discount contrary to and in violation of the ninth rule of the fundamental articles of the constitution of the Corporation – 2dly That the plea does make out such a case where the note sued on & the contract therein expressed to pay to the plaintiffs five thousand dollars is void in law so that no recovery can be had thereon in this suit and 3dly This Court being of opinion in the affirmative on the first and second points remain unnecessary to consider the third question, all of which is ordered and adjudged to be certified to the said Circuit Court. – "Wm. M. Lee Johnson"

James L. Gatheart & others
To
William Robinson

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On consideration of the motion made by Mr C C Lee on a prior day of this Term Court on Saturday the 4th instant to dismiss this cause by reason of the insufficiency of the security in the appeal bond for costs. It is considered and ordered that said motion be and the same is hereby overruled. –

137	336 Bale of Cotton Laurd Caulk Claimant vs The American Insurance Company and Ocean Insurance Company of New York	On consideration of the motion made by Mr Key on a prior day of this term heard on Thursday the 13th instant to dismiss this cause because the proceedings upon which it is founded were not authorized by the mandate of this Court issued in the case of the last term. It is ordered and decreed that said motion be and the same is hereby overruled.
58	The Bank of the United States vs Daniel Ullmer and John H Hanna	The motion made in this cause on a prior day of this term to wit on Monday the 16th instant to set aside the decree rendered by this Court in this cause was supported in argument by Mr Bibb and opposed by Mr Sergeant.
67	Thompson Willson and others Plffs in Er vs The Black Bird Creek Marsh Company	This cause was argued by Mr Key for the Plaintiffs in Error and by Mr Wirt for the Defendant in Error.
131	John Mason John Laird and Francis S Key Appellants vs The Chesapeake and Ohio Canal Company	On motion of Mr Key of counsel for the Appellants in this cause it is ordered that the appeal be and the same is hereby dismissed with costs and it is further ordered that the Marshal

Martin Miller Plff in Er
vs
151. John Stiles Exor of James Taylor
Exor of James Herron deceased

On motion of Mr Key of Counsel for the Defendant in Error in this cause and a certificate of the Clerk of the Circuit Court of the United States for the District of Ohio stating that at the July Term of the said Court in the year of our Lord one thousand eight hundred and twenty eight John Stiles ex dem of James Taylor Executor of James Herron deceased recovered a Judgment of the said Court against Martin Miller in a certain action of Ejectment in said Court in which the said John Stiles as Exor of James Taylor Executor of James Herron deceased was Plaintiff, and the said Martin Miller was Defendant. To which said Judgment a writ of Error was prayed by the said Defendant allowed by the Honorable C. C. Byrd one of the Judges of the said Court, and issued out of the Clerks office of the said Court on second day of August in the year of our Lord one thousand eight hundred and twenty eight, that the said writ of Error Supersedeas the Judgment of the said Seventh Circuit Court of the United States for the District of Ohio aforesaid, and commanded that the record proceedings and Judgment aforesaid with all things touching the same should be distinctly and openly sent to the Supreme Court of the United States to be holden at the next January Term thereof January Term 1829 at the City of Washington in the District of Columbia and that a full and complete transcript of the record proceedings and Judgment in the said cause was made up by the Clerk of the said Seventh Circuit Court of the United

States for the District of Ohio aforesaid in full time for the same to be filed in the said Supreme Court of the United States within the first six days of the Term of January One thousand eight hundred and twenty nine, and that the said transcript remains in his office the same not having been taken therefrom by the said defendant, or applied for by any person for him, having been filed, and the Plaintiff in Error having failed to lodge a transcript of the record in said cause with the Clerk of this Court agreeably to the rules of this Court. It is therefore adjudged and ordered that this cause be dismissed and that the said writ of Error in this cause be and the same is hereby dismissed. ~

"J. M.Cl. Sup. Marshall"

Alexander Fenley and John L. Mitchell vs. Jesse Peffon & William King ~	The argument of this cause was commenced by Mr. Thessey for the Plaintiffs in Error and continued by Mr. Smyth for the Defendant in Error.

Proclamation being made the Court is adjourned until tomorrow morning at eleven o'clock. ~

Pursuant to adjournment the Court met this morning at the Capitol

Present

The Honorable John Marshall Chief Justice

The Honble. Bushrod Washington, William Johnson, Gabriel Duvall, Joseph Story and Smith Thompson — Associate Justices

Proclamation being made the Court is opened

On motion first made to the Court It is ordered that John W. James Esquire of Massachusetts be admitted to practise as an attorney and counsellor of this Court —

12 William G. Buckner — &c Plff below
Thomas Fenlay and
John Vanlear —

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of Maryland and on the questions and points on which the Judges of the said Circuit Court were opposed in opinion and which were certified to this Court for its opinion, and was argued by Counsel. On consideration whereof. It is the opinion of this Court that the Bill of Exchange on which this action is brought ought to be considered as a foreign bill within the meaning of the 11th Section of the Judiciary act of the 24th of September 1789 and that the said Circuit Court has jurisdiction of this cause. Whereupon it is considered, ordered and adjudged by

this Court that it be certified to the said Circuit Court for the District of Maryland that the Bill of Exchange in which this action is brought ought to be considered as a Foreign Bill within the meaning of the 11th Section of the Judiciary act of the 24th of September 1789 and that that Court has jurisdiction of the cause.

"Pr. Mr. Jus. Washington"

Bowden Weston, John Stacy,
John Fraser, William Broadfoot,
George Flagg, William Burgoyne,
Thomas Hanscom, John Potter,
Adam Tunno, Thomas Higham,
Henshaw & Jones, John Black,
Robert Walker, George McCaulay &
the Union Insurance Company.
vs
The City Council of Charleston

This cause came on to be heard on the transcript of the record from the Constitutional Court of the State of South Carolina and was argued by Counsel, On consideration whereof this Court is of opinion that there is error in the Judgment of the said Court in this, that the said Court decreed that an ordinance passed by the City Council of Charleston on the 21st day of February in the year Eighteen hundred and twenty three so far as the same imposes a tax on the six and seven per cent Stock of the United States consistent with the Constitution of the United States. Whereas, it is the opinion of this Court that so much of the said ordinance as imposes the said tax is repugnant to the Constitution of the United States and void. Whereupon, it is considered, ordered and adjudged by this Court that the said judgment be and the same is hereby reversed and annulled, and that the said cause be and the same is hereby remanded to the said Constitutional Court for the State of South Carolina that such further proceedings may be had therein as may accord with Law and justice.

"Pr. Mr. Ch. Jus. Marshall"

* entitled an ordinance to raise supplies for the use of the City of Charleston for the year Eighteen hundred and twenty three

40 The Bank of the Commonwealth of Kentucky Plff in Er vs John Wisler & others

Mr Bibb moved the Court for leave to reargue this cause the consideration of which motion is ordered to be Postponed.

41 The Bank of the Commonwealth of Kentucky Plff in Er vs John Ashley & John Ellis Defts

Mr Bibb moved the Court for leave to reargue this cause the consideration of which motion is ordered to be postponed

78 Alexander Finley and John D Mitchell Plffs in Er vs William King Deft

The argument of this cause was continued by Messrs Smyth and Wickliffe for the defendant in Error and by Mr Sheffey for the Plaintiffs in Error

Proclamation being made the Court is adjourned until tomorrow morning at eleven Oclock.

Thursday March 19th 1829

Pursuant to adjournment the Court met this morning at the Capitol —

Present

The Honorable	John Marshall	Chief Justice
	Bushrod Washington	
	William Johnson	
	Gabriel Duvall	
The Honble	Joseph Story and	Assocate Justices
	Smith Thompson	

Proclamation being made the Court is opened —

45 — John Inglis, Demandant
vs
The Trustees of the Fair as Ferry Harbor in the City of New York, Tenants. —

On consideration, It is ordered that this cause be held over advisement. and it is further ordered that said cause be continued to the next Term. —

146 — Thomas L Hinde & Belinda his wife — Pltffs in Er
vs
The Pltffs of Charles Vallier

On consideration of this cause, the record in said cause having been filed in the office of the Clerk of this Court. It is ordered that said cause be and the same is hereby remanded. and it is further ordered that it be placed on the docket of this Court next after those causes docketed within the first six days of the present term of this Court.

"P. M. Ch. Jus Marshall"

The President Directors and Company of the Bank of Columbia — Plffs in Er. vs George Sweeny —	This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of Columbia holden in and for the County

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of Washington and was argued by Counsel, On consideration whereof it is considered ordered and adjudged by this Court that the Judgment of the said Circuit Court in this cause be and the same is hereby affirmed with costs — "Jno. M. Ch. Jus Marshall"

Alexander Finlay and John D Mitchell — vs Plffs in Er. William King —	The argument of this cause was concluded by Mr Stoffey for the Plaintiffs in Error.

78

George Beach Plff in Er. vs Nathan Biles and others	The argument of this cause was concluded by Mr Webster for the Plaintiff in Error.

52.

Ex parte — James Jackson in the demise of Martha Brickstock — vs Daniel Thomas —	On consideration of the motion made by Mr Key of Counsel for the Plaintiff on a former day of this term, to wit, on Saturday March 7th Anno Domini Eighteen Hundred and twenty nine for a rule to be granted to be served on the Honorable Gilbert Combling the district Judge of the Maine District of the State of New York commanding him to be

1.

why a mandamus should not be awarded to the said District Judge of the Northern District of New York commanding him to sign the Bill of Exceptions Hereto annexed marked A. as originally tendered to him by the attorney for the Plaintiff at the trial of the cause of James Jackson on the demise of Martha Bruestreet against Daniel Thomas in the said District Court. It is considered and ordered by this Court that the rule prayed for be and the same is hereby granted, returnable to the first day of the next January Term of this Court to be holden on the second Monday of January in the year of our Lord one thousand eight hundred and thirty. "Jos. M'Kean Chf. Jus. Marshall"

Ex parte -
James Jackson on the demise of Martha Bruestreet -
vs
Joseph Herkland -

On consideration of the motion made by M'Kay of Counsel for the Plaintiff on a prior day of this term, to wit: On Saturday March the Seventh Anno Domini Eighteen hundred and twenty nine for a rule to be granted to be served on the Honorable Alfred Conkling the District Judge of the Northern District of the State of New York commanding him to be and appear before this Court to shew cause if any he have why a mandamus should not be awarded to the said District Judge of the Northern District of New York commanding him to sign the Bill of Exceptions Hereto annexed marked B. as originally tendered to him by the attorney for the Plaintiff at the trial of the cause of James Jackson on the demise of Martha Bruestreet against Joseph Herkland in the said District Court - It is considered and ordered by this Court that the rule prayed for

day of the next January Term of this Court latest or the second Monday of January in the year of our Lord One thousand eight hundred and thirty. ~

"Pr. M. Ch. Jus Marshall"

89	Richard R. Heine Plff in Er. vs Richard W. Meade	On motion of Mr C C &c suggesting the death of the Defendant in Error and filing the appearance of the Executrix

It is ordered that the appearance of Margaret C. Meade the executrix of Richard W. Meade, deceased be entered on the Docket of this Court as Defendant in Error in this cause and on motion of Mr &c, It is ordered that this cause be continued to the next term of this Court. ~

Proclamation being made the Court is adjourned until tomorrow morning at eleven Oclock. ~

Friday March 20th 1829.

Pursuant to adjournment the Court met this morning at the Capitol.

Present

The Honorable	John Marshall	Chief Justice.
The Hon'ble:	Gabriel Duvall Joseph Story and Smith Thompson	Associate Justices.

Proclamation being made the Court is opened.

Anthony Holmes Matthew Chapman and Hannah his wife Matthew Howard and Hannah his wife and John B. Toland Executors of Hannah Leigh

68 vs. Appeal from the

George Brewster

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of Maryland and was argued by counsel. On consideration whereof this Court is of opinion that the said Circuit Court erred in admitting the Plat offered in evidence by the defendants counsel as stated in the plaintiffs first Bill of Exceptions. And also erred in refusing to admit as evidence the Plat of Exceptions stated in the plaintiffs second Bill of Exceptions. And the said Circuit Court also erred in granting the instructions fourth and third prayer for by the defendants counsel in the plaintiffs sixth Bill of Exceptions. Whereupon it is considered ordered and adjudged by this Court that for the errors aforesaid the Judgment of the said Circuit Court in this cause be and the same is hereby reversed and annulled, and that the said cause be and the same is hereby remanded to the said Circuit Court with directions to award a venire facias de novo.

"Jos. N. See Story"

52. George Brock vs Jeffa & Nathan Giles. Henry Atkins & Daniel Holbrook.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of Massachusetts.

and was argued by Counsel, On consideration whereof, it is considered ordered and adjudged by this Court that the Judgment of the said Circuit Court in this cause be and the same is hereby affirmed with costs.

"Jos. M. Lee Story."

75. Charles J Sigrand & al vs Nicholas Garnett

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of Maryland and was argued by Counsel, On consideration whereof, it is considered ordered and decreed by this Court that the decree of the said Circuit Court in this cause be and the same is hereby affirmed without costs.

"Jos. M. Lee Duvall".

67. Thompson Wallace, William Hukill, Curtis Hukill, Isaac Armstrong and Robert Foster. Plffs in Er vs The Black Bird Creek Marsh Company.

This cause came on to be heard on the transcript of the record from the High Court of Errors and Appeals of the State of Delaware and was argued by Counsel, On consideration whereof, this Court is of opinion that there is no error in the Judgment of the said High Court of Errors and Appeals

ordered and adjudged by this Court that the Judgment of this Court in this cause be and the same is hereby affirmed with Costs. "Jno. M.Ch Jus Marshall"

40. The Bank of the Commonwealth of Kentucky vs Jeffries &c. John Ullister & others

On consideration of the motion of Mr Bibb, made in this cause on a prior day of this term, Court on Wednesday the 18th of March for leave to re argue this cause. It is ordered that said motion be overruled and that said leave be refused "Jno. M.Ch Jus Marshall"

41. The Bank of the Commonwealth of Kentucky vs Jeffries &c. John Ashley & John Eilbeck

On consideration of the motion of Mr Bibb made in this cause on a prior day of this term to wit on Wednesday the 18th of March for leave to re argue the cause. It is ordered that said motion be overruled and that said leave be refused. "Jno. M.Ch. Jus Marshall"

78. Alexander Finlay and John A Malcholl vs Pltffs in Er. William King

On consideration, it is ordered that this cause be held under advisement And it is further ordered to be continued to the next term.

Proclamation being made the Court is adjourned to the time and Place appointed by Law.

At a Sefion of the Supreme Court of the United States begun and held at the Capitol of the United States in the City of Washington being the present seat of the National Government of the United States, on the first monday of August being the third day of the same month in the year of our Lord One thousand eight hundred and twenty nine and of the Independence of the United States the Fifty Fourth Agreeably to the Statute in such case made and provided The Honble. one of the Associate Justices of the said Supreme Court of the United States and resident of the Fourth Circuit in the State of Maryland, was present and the Clerk of the said Supreme Court attending It is ordered by the said Judge that the following entries be made in the following words towit. —

1.	John Hawkins Val vs Joshua Barney Espr.	Continued from last term Continued.
2.	Allan M'Lane. Claimt. &c of the Ship Good Friends vs The United States.	Continued from last term. Continued.
3.	John Gozler vs The Union Bank of George Town ———	Continued from last term Continued.

	John Clay	Continued from last term.
4.	vs	
	Abraham Smith	Continued.
	William Prentiss val	Continued from last term
5.	vs	
	John McKim Jr.	Continued
	John A. Elmes Esqr.	Continued from last term
6	vs	
	William G. Cranes val	Continued
	William Thomlins Esqr.	Continued from last term
7	vs	
	The Bank of Washgta	Continued.
	John Mack val	Continued from last term.
8.	vs	
	The Postmaster General of the United States.	Continued.
	Hiram Craig val	Continued from last term
9	vs	
	The State of Missouri	Continued.
	Robert J Laws val	Continued from last term.
10.	vs	
	The State of Missouri	Continued.

11.	Thomas Watson vs The State of Missouri	Continued from last term Continued.
12.	John W. King vs James Hamilton & al	Continued from last term Continued
13	William Parsons vs John R. Bedford & al	Continued from last term Continued
14.	The United States vs Isaac T. Preston, attorney General of Louisiana	Continued from last term Continued.
15.	Robert Boyce & al vs Felix Grundy	Continued from last term Continued
16	The United States vs Thomas Buford	Continued from last term Continued.
17	Julia Soubara & al vs The United States	Continued from last term Continued

	Thomas J. Williams	Continued from last term.
18	vs	
	Anderson Watkins	Continued.
	John Ingles, Exrs &c	Continued from last term
19	vs	
	The Trustees of the Sailors Snug Harbor &c Tenants &c	Continued.
	Malcolm Gilchrist Defendt	Continued from last term
20	vs	
	Robert Dysart.	Continued.
	Ann Shanks &al	Continued from last term.
21	vs	
	Abraham Dupont &al	Continued.
	Townsend L. Taylor &al	Continued from last term.
22	vs	
	Joseph Hitch &c	Continued
	William Hanlon's Exrs	Continued from last term
23	vs	
	William Wynn's admrs	Continued.
	John McKinney &al	Continued from last term
24	vs	
	John Carroll	Continued

25	John Fisher vs James Higgins	Continued from last term Continued
26	John Fisher vs William Cockerill	Continued from last term Continued
27	William M'Cluny vs Wyllys Silliman jun'r	Continued from last term Continued
28	William T. Galt & al vs Elias Langham & al	Continued from last term Continued
29	Joseph Jefferis & al vs Thomas Crutcher & al	Continued from last term Continued
30	Joseph Jefferis & al vs John Somerville & al	Continued from last term Continued
31	Alexander Finlay and John L. Mitchell vs William King	Continued from last term Continued

August Term 1829.

	John Smith P	Continued from last term
32	vs	
	The United States	Continued
	Harman V Hartsfield	Continued from last term
33	vs	
	John Lewis in	Continued
	Harman V Hartsfield	Continued from last term
34	vs	
	Ora Smith in	Continued
	Harman V Hartsfield	Continued from last term
35	vs	
	Samuel Whelcomb	Continued
	Harman V Hartsfield	Continued from last term
36	vs	
	David H Griffin	Continued
	Harman V Hartsfield	Continued from last term
37	vs	
	Amos Sims in	Continued
	Harman V Hartsfield	Continued from last term
38	vs	
	Chas Lamphire in	Continued

39	Alexander Gordon Adm	Continued from last term
	vs	
	Francis B. Ogden	Continued
40	Stephen West Adm	Continued from last term
	vs	
	Heirs of Lemuel Sadam Dec'd	Continued
41	William Foulke Surv'r of Jordan &c	Continued from last term
	vs	
	The Common Council of Alexandria	Continued
42	Richard R. Keene	Continued from last term
	vs	
	Richard W. Meade's Ex'r	Continued
43	Bank of the United States	Continued from last term
	vs	
	Solomon Etting	Continued
44	Andrew Bartle	Continued from last term
	vs	
	George Coleman	Continued
45	The Potapsco Insr Company	Continued from last term
	vs	
	John Coulter use of Stephen Russell Adm	Continued

	The Providence Bank	Continued from last term
46	vs	
	Alpheus Billings & al	Continued
	James Caldwell	Continued from last term
47	vs	
	John Tagart & al	Continued
	John S Wanton & wife	Continued from last term
48	vs	
	The Corporation of Washington & The United States.	Continued
	George B Magruder	Continued from last term
49	vs	
	The Union Bank of Georgetown	Continued
	The Propagation Society	Continued from last term
50	vs	
	The Town of Pawlet and Ozias Clarke	Continued
	David Ruffner & al	Continued from last term
51	vs	
	James Bream	Continued
	Robert Chenoweth & al	Continued from last term
52	vs	
	Exrs of Benjamin Tarbell & al	Continued

53	Bernard G. Farrar & al vs The United States	Continued from last term Continued
54	Oliver Saunders vs Benjamin Gould	Continued from last term Continued
55	James D. Wolf & vs George F. Usher	Continued from last term Continued
56	John Floyd vs Charles Scott Bailiff &c use of John M'Kim &c	Continued from last term Continued
57	Samuel L. Harris Marshal &c vs John Dennie	Continued from last term Continued
58	Samuel L. Harris Marshal &c vs James D. Wolf &c	Continued from last term Continued
59	Frances Henderson Widow vs Ira Griffin	Continued from last term Continued

60	Boyce and Henry vs Timothy Edwards	Continued from last term Continued
61	Francois Lafrange vs Pierre Chouteau Jr	Continued from last term Continued
62	Wm Pages admr &c vs John Lloyd Esqr of Bgood Hamburg Surv[eyo]r &c	Continued from last term Continued
63	John Backhouse Surv[eyo]r &c de bonis &c of Wm Backhouse &c vs Robert Patton admr de bo. non of James Hunter dec[ease]d	Continued from last term Continued
64	The United States vs John Morrison &c	Continued from last term Continued
65	Samuel Meredith Esqr vs William Bradford &c	Continued from last term Continued
66	Wm Hollingsworths Exrs vs Philip Barbour &c	Continued from last term Continued

67.	Walter Brashear vs Francis West Sal	Continued from last term Continued
68.	James Soper vs The State of Missouri	Continued from last term Continued
69.	John Conner (a.c.) vs Francis H. Nicholl	Continued from last term Continued
70	John D. Wilcox Sal vs Hemp Plummer Esqr	Continued from last term Continued
71	Bank of the United States vs Levi Sofer	Continued from last term Continued
72	John G. McDonald vs George B. Magruder	Continued from last term Continued
73	Sarah Spratt admx of James Spratt vs Thomas Spratt	Continued from last term Continued

74	James Binney vs Chesapeake and Ohio Canal Company	Continued from last term Continued
75	James Strong Jun vs vs Exors of John Young Dec	Continued from last term Continued
76	John Smith T. vs The United States	Continued from last term Continued
77	John Smith T. vs John W. Maney	Continued from last term Continued
78	The Columbian Insurance Company of Alexandria vs Turner Ashby Dec	Continued from last term Continued
79	Mary Beckendoff vs Wm A Taylor	Continued from last term Continued
80	James C. Bell Dec vs Asa A Cunningham Dec	Continued from last term Continued

81.	Lessee of John Smith &c. vs John Brahan &c.	Continued from last term. Continued.
82.	David Petrikin &c. vs John Cockey.	Continued from last term. Continued.
83.	Alexander B. Hankland vs Corporation of Washington	Continued from last term. Continued.
84.	John B. Ward use of G. Curtis vs Corporation of Washington	Continued from last term. Continued.
85.	356 Bales of Cotton - David Carter Claim't vs The American and Ocean Ins. Co. Companies of New York	Continued from last term. Continued.
86.	John Beatty vs Lessee of Asa Knowles & Wife	Continued from last term. Continued.
87.	James L. Cathcart &c. vs William Robinson	Continued from last term. Continued.

	William Yeaton	Continued from last term.
88.	vs	
	John Wm Eaton use of Thomas C. Lyles & al	Continued
	William Foule survg partner	Continued from last term.
89.	vs	
	Aaron R. Levering Exor of James Lawson dec'd	Continued
	Estate of Martha Bradstreet	Continued from last term
90.	vs	
	Henry Huntington	Continued.
	John R. Livingston	Continued from last term
91.	vs	
	Moses Smith	Continued
	John W. Simonton	Continued from last term.
92.	vs	
	Samuel Winter and Samuel G. Bowman survivor	Continued.
	James Thompson & al	Continued from last term.
93.	vs	
	Samuel Taylor & al	Continued.
	Thomas I'Anson & wife	Continued from last term
94.	vs	
	Estate of Charles Vallette	Continued.

95.	William Hunter vs The United States	Continued from last term Continued
96	Lessee of Robert G Ratford vs Silas Ratcliffe et al	Continued from last term Continued
97	Francis West & Mary Nixon vs Walter Buchanan	Continued from last term Continued
98	Josiah Lewis et al vs Humphrey Marshall et al	Continued from last term Continued
99	James S. O'Brien vs James H. Lewis	Continued from last term Continued
100.	John Winship et al vs Bank of the United States	Continued from last term Continued
101.	Lessee of James B Clarke et al vs John Coudray et al	Continued from last term Continued

August Term 1829.

102.	Henry Miller's Heirs & Devisees vs John McIntyre & al	Continued from last Term Continued.
103.	The American & Commercial Insurance Companies of New York vs David Carter.	Continued.
104.	Pierre Menard vs Ashbaiu.	Continued.
105.	Bank of the United States vs George B. Martin	Continued.
106.	Luke Tiernan & al vs James Jackson	Continued.
	The State of New Jersey Complt vs The People of the State of New York	Bill in Equity Subpa issued 20th May 1829 Returned & filed with Service Proof of 21st June 1829

Proclamation being made the Court is adjourned to the time and place appointed by law.

January Term 1830.

At the Capitol of the United States in the City of Washington and District of Columbia being the Present Seat of the National Government of the United States, on the Second Monday of January, being the eleventh day of the same month, in the year of our Lord One Thousand eight Hundred and thirty, and of the Independence of the United States the Fifty Fourth the Supreme Court of the United States met agreeably to Law. —

Present

The Honorable ——— Chief Justice

The Hon. William Johnson, Gabriel Duvall, Joseph Story, Smith Thompson, John McLean — Associate Justices

Tench Ringgold Esquire Marshal —
William Thomas Carroll Clerk —

Proclamation being made the Court is opened.

On motion Josiah made to the Court in this behalf by Mr Ogden. It is ordered that Greene C. Bronson Daniel Lord jr and Washington Quincy Morton Esquires of the State of New York be admitted to practice as attornies and Counsellors of this Court, and they were severally sworn accordingly. —

January Term 1830.

The Court proceeded to call over the Docket.—

John Mark and Moses Herbert. — vs. — The Post Master General of the United States.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of Georgia and it being suggested to the Court that this cause was improperly brought before this Court. On consideration whereof It is ordered and adjudged by this Court, that this cause be and the same is hereby dismissed.—

"Ph. Mc. Jus. Johnson"

The Honorable John McLean Produced Letters Patent from the President of the United States date the day of in the year of our Lord one thousand eight hundred and twenty nine appointing him by and with the advice and consent of the Senate of the United States one of the Associate Justices of the Supreme Court of the United States: and a commission from the President of the United States allotting him to the seventh Circuit formed by the act of Congress of the 29th February A.D. 1829. Also a certificate of his having taken the oath of office required by law and published in Court.— and took his seat accordingly.—

Proclamation being made the Court is adjourned until tomorrow morning at eleven o'clock.—

Pursuant to adjournment the Court met this morning at the Capitol —

Present

The Honorable ——— Chief Justice

The Hon: William Johnson, Gabriel Duvall, Joseph Story, Smith Thompson, John McLean — Associate Justices

Teuch Ringgold Esquire Marshal

William Thomas Carroll, Clerk.

Proclamation being made the Court is opened.

1. John Hawkins and William May Plffs Er. vs Joshua Barneys Defendt

This cause having been called and counsel not being ready to argue it. It is ordered by the Court that this cause be and the same is hereby continued.

"P. M. Chs. Johnson"

3. John Goszler Plff in Er. vs The Union Bank of George Town ———

This cause having been called and counsel not being ready to argue it. It is ordered by the Court that this cause be and the same is hereby continued.

"P. M. Chs. Johnson"

Tuesday January 12th 1830 Continued

	Allen M'Leans Claimant &c of the Ship Good Friends vs The United States	On motion of the Attorney General. It is ordered that this cause be and the same is hereby continued, with leave to the Attorney General to move for its dismission during the present term of this Court. "Jn° M° Lus. Johnson"
13	William Parsons vs Joseph Fiffin & Benford Bradlow and Robeson	Mr Webster moved the Court to set down this cause for argument on the day after tomorrow, being the 14th day of January of the present term of this Court the consideration of which motion is ordered to be Postponed. "Jn° M° Lus. Johnson"
110	William Parsons vs Joseph Fiffin & James Arma & J W. Caky Syndics of the Creditors of James Armor	Mr Webster moved the Court for leave to argue this cause in conjunction with (No 13) William Parsons vs Benford Bradlow and Robeson: the consideration of which motion is ordered to be Postponed. "Jn° M° Lus. Johnson"
33	The Ship of Harman V Kark vs Joseph Fiffin & John Lewis	Mr Stores moved the Court for leave to argue this cause on Monday next being the twenty fifth day of January of the present term. The consideration of which motion is ordered to be Postponed. "Jn° M° Lus. Johnson"

Tuesday January 12th 1830 Continued.

34. The Lessee of Harman V. Hart. vs. Jeffin & Orin Smith —

Mr Storrs moved the Court for leave to argue this cause on Monday week being the twenty fifth day of January of the present term - the consideration of which motion is ordered to be Postponed. —

"P. M. Sus: Johnson"

35. The Lessee of Harman V. Hart. vs. Samuel Whelcomb

Mr Storrs moved the Court for leave to argue this cause on Monday week being the twenty fifth day of January of the present term - the consideration of which motion is ordered to be postponed. —

"P. M. Sus. Johnson"

36. The Lessee of Harman V. Hart. vs. Jeffin & David K. Griffin

Mr Storrs moved the Court for leave to argue this cause on Monday week being the twenty fifth day of January of the present term - the consideration of which motion is ordered to be Postponed. —

"P. M. Sus: Johnson"

37. The Lessee of Harman V Hart. vs. Jeffin & Amos Lewis —

Mr Storrs moved the Court for leave to argue this cause on Monday week being the twenty fifth day of January of the present term - the consideration of which motion is ordered to be Postponed. —

"P. M. Sus: Johnson"

Tuesday January 12th 1830 Continued.

38. The Sejus of Thomas V. Hunt Plff in Er. vs Elias Dumphire —

Mr Sterns moved the Court for leave to argue this cause on Monday next being the twenty fifth day of January of the present term. The consideration of which motion is ordered to be postponed. — "P. Mc. Sus. Johnson"

16. The United States Plff in Er. vs Thomas Bufford —

On motion of the Attorney General. It is ordered that this cause be set down for argument a tomorrow the thirteenth day of January of the present term of this Court. — "P. Mc Sus. Johnson"

23. Anna Maria Thornton Excx of William Thornton — vs William Thornton adm. of William Wynn dec'd

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of Columbia holden in and for the County of Washington and on motion of Mr Key of Counsel for the defendant in Error, stating that the matters in controversy therein had been agreed and settled between the parties and by consent of Mr. B. Lee of Counsel for the Plaintiff in Error. On consideration whereof. It is ordered and adjudged by this Court that this cause be and the same is hereby dismissed with Costs. —

"P. Mc. Sus. Johnson"

Tuesday January 13th 1830 Continued.

85

336 Bales of Cotton
David Gautier Claimt
vs Appellt
The American Insurance
Company & Ocean Insurance
Company of New York

On motion of Mr Webster of Counsel for the Appellt. suggesting the death of the appellant in this cause, Leave to the administratrix Rachel Gautier to file her Letters of administration and to enter her appearance in this cause - It is Ordered that the said Rachel Gautier administratrix of David Gautier deceased file her Letters of administration and that the said administratrix enter her appearance in this cause. -

"Jno. M. Lus: Johnson"

103.

The American Insurance
Company & Ocean
Insurance Company of
New York Appellts
vs
David Gautier

On motion of Mr Webster of Counsel for the Appellts suggesting the death of the appellant in this cause, Leave to the administratrix Rachel Gautier to file her Letters of administration and to enter her appearance in this cause - It is Ordered that the said Rachel Gautier administratrix of David Gautier deceased file her Letters of administration, and that the said administratrix enter her appearance in this cause. —

"Jno. M. Lus: Johnson"

Proclamation being made the Court is adjourned until tomorrow morning at eleven Oclock. —

Wednesday January 13th 1830.

Pursuant to adjournment the Court met this morning at the Capitol.

Present.

The Honorable ——— Chief Justice

The Hons William Johnson, Gabriel Duvall, Joseph Story, Smith Thompson, John McLean — Associate Justices.

Jesse Reuggold Esquire Marshal
William Thomas Carroll Clerk.

Proclamation being made the Court is opened.—

On motion first made to the Court in this behalf by Mr Oakley. It is ordered that Henry B. Gowles Esquire of the State of New York be admitted to practise as an attorney and Counsellor of this Court and he was sworn accordingly.—

On motion first made to the Court on the behalf by Mr Webster. It is ordered that Stephen Fales Esquire of the State of Ohio be admitted to practise as an attorney and Counsellor of this Court, and he was sworn accordingly.—

Antonio Soulard's Heirs &c Appellants
v.
The United States. and John F. Smith &c Appellee

Mr Benton of Counsel for the Appellants in No 17 & one of Counsel for the Appellant in No 32 moved the Court for leave to argue these two causes in conjunction or con-

Wednesday January 13th 1830

29	Joseph Jessons and Micajah Terrell Pltffs in Error vs Thomas Cruchen & Harriet H Pannel Defts in Error	On motion of Mr Ogden of Counsel for the appellants and by consent of Mr White of Counsel for the appellees — It is ordered that the consideration of this cause be submitted to the Court without argument. — "Pr M. Jus Johnson"
30	Joseph Jessons and Micajah Terrell Pltffs in Error vs John Tommins and Harriet H Pannel Defts in Error	On Motion of Mr Ogden of Counsel for the appellants and by consent of Mr White of Counsel for the appellees. It is ordered that the consideration of this cause be submitted to the Court without argument. — "Pr M. Jus: Johnson"
16	The United States Pltffs in Error vs Thomas Bufords Deft in Error	The argument of this cause was commenced by Mr Attorney General on the part of the United States continued by Mr Wickliffe and Webster for the defendant in Error, and concluded by Mr Attorney General for the Plaintiff in Error. —

Proclamation being made the Court is adjourned until tomorrow morning at eleven Oclock. —

Thursday January 14th 1830.

Pursuant to adjournment the Court met this morning at the Capitol —

Present

The Honorable ——— Chief Justice

The Hon: William Johnson, Gabriel Duvall, Joseph Story, Smith Thompson, John McLean — Associate Justices.

Finch Ringgold Esquire Marshal
William Thomas Carroll Clerk

Proclamation being made the Court is opened. —

On motion first made to the Court in this behalf by Mr Attorney General — It is ordered that A. Blanding Esquire of the State of South Carolina be admitted to practise as an attorney and Counsellor of this Court, and he was sworn accordingly. —

14. The United States. Appt
vs
Isaac T. Preston Attorney General of Louisiana —

The argument of this cause was commenced by Mr Attorney General on the part of the United States, continued by Mr Jones for the appellee and concluded by Mr Attorney General for the appellant.

Thursday - January 11th 1833 Continued.

43.	Richard R. Heine Pltff in Er. vs Margaret C. Meade Exrx of Richard W. Meade	The argument of this cause was commenced by Mr. Key for the Pltff in Error and continued by Messrs Jno. & Chas Jno. for the Defendant in Error.

112	William Parsons Pltff in Er. vs James Arms & T. W. Oakey Syndics of the Creditors of James Arms &c	On consideration of the motion made by Mr. Webster on a prior day of this term, to wit, on Tuesday the twelfth day of January of this present term, for leave to argue this cause in conjunction with Mr. B. William Parsons Pltff in Error vs John R. Bedford, James W. Bradlove and William L. Robeson, trading under the firm of Bedford, Bradlove and Robeson: It is ordered by the Court that the leave prayed for be and the same is hereby granted.

"Pr. Mr. Jas. Johnson"

Proclamation being made the Court is adjourned until tomorrow morning at eleven o'clock. —

Friday January 15th 1830.

Pursuant to adjournment the Court met this morning at the Capitol -

Present

The Honorable ~~~~~~~~~~ Chief Justice

The Hons: William Johnson, Gabriel Duvall, Joseph Story, Smith Thompson, John McLean — Associate Justices

Finch Ringgold Esquire Marshal
William Thomas Carroll Clerk. -

Proclamation being made the Court is opened. -

On Motion first made to the Court in this behalf by Mr Attorney General. It is ordered that Elias Kent Kane Esquire of the State of Illinois. Andrew Dunlap Esquire of the State of Massachusetts and James M. Wayne Esquire of the State of Georgia be admitted to practise as attorneys and Counsellors of this Court and they were severally sworn accordingly. —

17. Solomon Soulard & Wife Appellants
vs
The United States. -

and

32. John Smith & Appellants
vs
The United States. —

Mr Binta of Counsel for the Appellants in No 17 and of counsel for the Appellant in No 32. moved the Court for leave to argue these two causes in conjunction a comparison of the principles involved in the two cases and the Points

Friday January 15th 1836 Continued.

Same: On Motion Ordered that the further consideration of the Motion heretofore made in this cause be postponed to the next Monday which being Monday the twenty fifth day of January of the present term of this Court, The consideration of which motion is ordered to be postponed the Court reserving further time to advise thereof. (Js. M. Chs. Johnson)

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22. Jeremiah A. Pryle and Irwin Tuckett Appellants vs Joseph Stull Appellee

On motion of Mr. Pryle of Counsel for the appellants by suggesting the death of one of the appellants and praying leave of the Court that time may be given to the proper representatives of the party deceased to file their letters of administration and enter their appearance to prosecute this appeal, It is ordered that said cause be and the same is hereby postponed until it can be revived in the name of the proper representatives. (Js. M. Chs. Johnson)

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7. Anna Maria Thornton Exect of William Thornton Appellants vs The Bank of Washington Appellee

On motion of Mr. Webster of Counsel for the Appellant in Error to set down this cause for argument on Monday the Eighteenth day of January of the present term. It is Ordered that this cause be and the same is hereby set down for argument on Monday next the Eighteenth day of January of the present term. (Js. M. Chs. Johnson)

Friday January 15th 1830 Continued.

9.	Hiram Craig & others pltffs in Er. vs. The State of Missouri	It is ordered by the Court that this cause be reargued, and that the argument of said cause be postponed until the arrival of the Chief Justice. "Pr. M. Lus. Johnson"
10.	Robert T. Sams & others pltffs in Er. vs. The State of Missouri	It is ordered by the Court that this cause be reargued, and that the argument of said cause be postponed until the arrival of the Chief Justice. "Pr. M. Lus. Johnson"
11.	Thomas Walton pltff in Er. vs. The State of Missouri	It is ordered by the Court that this cause be reargued, and that the argument of said cause be postponed until the arrival of the Chief Justice. "Pr. M. Lus. Johnson"
12.	Richard R. Keene, pltff in Er. vs. Richard W. Meade's Exrs	The argument of this cause was concluded by Mr. Key for the Plaintiff in Error.
13.	James Boyce Executor &c. Appellt vs. Felix Grundy —	The argument of this cause was commenced by Mr. Wickliffe for the appellant.

Friday January 15th 1830 Continued.

	Antonio Soulard & Ors Appts	On consideration of the Motion made by Mr Benton of Counsel for the appellants in these causes for leave to argue these two causes in conjunction. — It is ordered by the Court that leave be and the same is Freely granted to him to argue said two causes in connexion on Monday the twenty fifth day of January of the present term of this Court. — "J. M. Sup. Court."
17	vs	
	The United States	
	and	
	John Smith & Ors Appts	
32	vs	
	The United States	

Proclamation being made the Court is adjourned until tomorrow Morning at eleven O'Clock.

Saturday January 16th 1830.

Pursuant to adjournment the Court met this morning at the Capitol.—

Present.

The Honorable		Chief Justice
The Honble	William Johnson Gabriel Duvall Joseph Story Smith Thompson John McLean	Associate Justices.

Enoch Ringgold Esquire Marshal
William Thomas Carroll Clerk.—

Proclamation being made the Court is opened.—

On motion first made to the Court in this behalf by the Honble Reuel Williams It was ordered that John Waller Overton Esquire of the State of Tennessee be admitted to practice as an Attorney and Counsellor of this Court and he was sworn accordingly.—

James Bryan Executor &c Appellants vs Felix Grundy—	The argument of this cause was continued by Mr Wickliffe for the Appellants.—

Proclamation being made the Court is adjourned until Monday morning next at eleven Oclock.—

Monday January 18th 1830.

Pursuant to adjournment the Court met this morning at the Capitol -

Present

The Honorable	John Marshall	Chief Justice
The Hon:	William Johnson Gabriel Duvall Joseph Story Smith Thompson John McLean and Henry Baldwin	Associate Justices

Tench Riggold Esquire Marshal
William Thomas Carroll Clerk

Proclamation being made the Court is opened -

The Honorable Henry Baldwin one of the Associate Justices of the Supreme Court of the United States produced Letters Patent from the President of the United States dated the Sixth day of January in the year of our Lord One thousand eight hundred and thirty, appointing him by and with the advice and consent of the Senate of the United States one of the Associate Justices of the Supreme Court of the United States, and a Commission from the President of the United States allotting him to the third Circuit formed by the act of Congress, of the twenty ninth of April Eighteen hundred and two. Also a certificate of his having taken the oath of Office required by law and published in Court and took his Seat accordingly -

Monday — January 18th 1830 Continued

/ Copy of Tellers Patent /

Andrew Jackson, President of the United States of America —

To all who shall see these Presents Greeting:

Know Ye that reposing special trust and confidence in the wisdom, uprightness and learning of Henry Baldwin, of the State of Pennsylvania, I have nominated and by and with the advice and consent of the Senate do appoint him one of the Associate Justices of the Supreme Court of the United States, and do authorise and empower him to execute and fulfil the duties of that office according to the constitution and laws of the United States — And to Have and to Hold the said Office with all the powers, privileges and emoluments to the same of right appertaining unto him the said Henry Baldwin during his good behaviour — In Testimony Whereof, I have caused these Letters to be made Patent, and the Seal of the United States to be hereunto affixed. Given under my Hand at the City of Washington the Sixth day of January A.D. 1830 And of the Independence of the United States of America the Fifty Fourth. —

Seal

Andrew Jackson

By the President

M. Van Buren, Secretary of State —

On the back of which was the following endorsement, to wit

I Henry Baldwin do solemnly swear, that I will administer justice without respect to persons, and do equal right to the Poor and to the rich, and that I will faithfully and impartially discharge and perform all the duties

Monday January 18th 1830 Continued.

Court of the United States according to the best of my abilities and understanding agreeably to the Constitution and laws of the United States. So help me God.

Henry Baldwin

I hereby certify that the preceding oath of office was administered by me as Associate Justice of the Supreme Court of the United States to Henry Baldwin and subscribed by him this eighteenth day of January in the year of our one thousand eight hundred and thirty, and of the Independence of the United States of America the Fifty Fourth.—

Smith Thompson

15. James Boyce's Executors &c Appellants
Felix Grundy

The argument of this cause was continued by Mr Sprague for the Appellee.

29. Joseph Sessions and Elizabeth Ferrell &c Appellants
Thomas Crutcher and Harriet H. Pannell

This cause came on to be heard on the transcript of the record from the District Court of the United States for the District of Mississippi and was argued by counsel; On consideration whereof It is ordered, adjudged and decreed by this Court that the decree of the said District Court in this cause be and the same is hereby affirmed with Costs.

"W. Mc Kinley"

Joseph Sessions and Margaret Ferriel Appellants 30. vs John Somerville and Harriet H. Pannill	This cause came on to be heard on the transcript of the record from the District Court of the United States for the District of Mississippi and was argued by counsel; On consideration

Whereof It is ordered, adjudged and decreed by this Court that the decree of the said district Court in this cause be and the same is hereby affirmed with costs. —

Ps. M. Sus. Johnson

Proclamation being made the Court is adjourned until tomorrow morning at eleven Oclock. —

Tuesday January 19th 1830

Pursuant to adjournment the Court met this morning at the Capitol.

Present

The Honorable John Marshall Chief Justice

The Hon: William Johnson, Gabriel Duvall, Joseph Story, Associate Justices
Smith Thompson, John McLean, Henry Baldwin

Jonah Bringhurst Esqre Marshal
William Thomas Carroll Clerk

Proclamation being made the Court is opened.

15 James Boyce & Executors &c Appts vs Felix Grundy &c

The argument of this cause was continued by Mr White for the Appellee and by Mr Ogden for the Appellants.

Proclamation being made the Court is adjourned until tomorrow morning at eleven Oclock.

Wednesday. January 20th 1830.

Pursuant to adjournment the Court met this morning at the Capitol.—

Present

The Honorable John Marshall Chief Justice

	William Johnson	
	Gabriel Duvall	
The Hon:	Joseph Story	Associate Justices
	Smith Thompson	
	John McLean &	
	Henry Baldwin	

Enoch Ringgold Esquire Marshal
William Thomas Carroll Clerk.

Proclamation being made the Court is opened.—

On motion first made to the Court in this behalf by Mr Wirt It is ordered that Ebenezer K. Cummins Esquire of the District of Columbia be admitted to practise as an attorney and Counsella of this Court and he was sworn accordingly.—

118 James Caver Griffin & Co
vs
The Bishop of John S. Beta Diab

Mr Ogden of Counsel for the plaintiff in Error moved the Court to set down this cause for argument on this day.—

which motion was supported by Mr Preston also of Counsel for the plaintiff in Error but which motion was opposed by Mr Webster of Counsel for the defendants in Error, who moved the Court to postpone the hearing of this cause until tomorrow.— On consideration whereof It is ordered by this court that this cause be

Wednesday January 30th 1833 Continued

13.	James Boyce Executor &c Appellt vs Felix Grundy	The argument of this cause was concluded by Mr Ogden for the appellants.

On motion first made to the Court on the behalf by Mr Key It is ordered that John H. Tabeau and Zadock Magruder Esquires of the State of Maryland be admitted to practice as attorneys and Counsellors of this Court, and they were severally sworn accordingly.

7.	William Maulsby Esqr Plff in Er. vs The Bank of Washington	The argument of this cause was commenced by Mr Key for the Plaintiff in Error continued by Mr Dove for the Bank of the Bank of the United States for the defendant in Error and concluded by Mr Jones for the Plaintiff in Error.

Memo: Mr Justice Duvall being a Stockholder of the Bank of Washington did not sit on the argument of this cause. —

14.	The United States vs Appellt Isaac T Preston Attorney General of Louisiana	This cause was further argued by Mr Livingston for the appellants. —

Wednesday January 20th 1830 Continued.

James Craven Plff in Er:	The argument of this cause
181 vs	was commenced by Mr Bronson
The Dfts in Err of John I Aston	on the Part of the Plaintiff in Error. —
and others	

Proclamation being made the Court is adjourned until tomorrow morning at eleven Oclock. —

Thursday January 21st 1830.

Pursuant to adjournment the Court met this morning at the Capitol -

Present

The Honorable John Marshall Chief Justice.

The Hon: Gabriel Duvall, Joseph Story, Smith Thompson, John McLean, Henry Baldwin — Associate Justices

Tench Ringgold Esquire Marshal
William Thomas Carroll Clerk.

Proclamation being made the Court is opened.

On motion just made to the Court in this behalf by Mr Monroe - It is ordered that Samuel Warren Ruggles and Charles J Williams Esquires of the District of Columbia be admitted to practise as attornies and Counsellors of this Court, and they were severally sworn accordingly.

7. William Thornton Esqr &c. vs. Thos Griffith &c. / The Bank of Washington

This cause was further argued by Mr Webster for the Bank of the Bank of the United States for the defendant in Error, and by Mr Jones for the Plaintiff in Error.

(Memo: Mr Justice Duvall being a Stockholder in the Bank of Washington did not sit in this cause.

Thursday January 21st 1830 Continued.

James Garner Jeff is &c. vs The Exrs of John J. Astor and others.	The argument of this cause was continued by Mr Benson for the Plaintiff in Error...

Proclamation being made the Court is adjourned until tomorrow morning at eleven o'clock.

Friday January 22d 1830.

Pursuant to adjournment the Court met this morning at the Capitol –

Present.

The Honorable	John Marshall	Chief Justice
	Gabriel Duvall	
	Joseph Story	
The Honble	Smith Thompson	Associate Justices
	John McLean &	
	Henry Baldwin	

Tench Ringgold Esqure Marshal
William Thomas Carroll Clerk –

Proclamation being made the Court is opened –

118.	James Carver. Plff in Er. vs John Jacob Astor & others	The argument of this cause was continued by W. Pinkney for the plaintiff in Error. –

Proclamation being made the Court is adjourned until tomorrow morning at eleven o'clock –

Saturday January 23d 1830.

Pursuant to adjournment the Court met this morning at the Capitol.—

Present

The Honorable John Marshall Chief Justice

The Hon: Gabriel Duvall, Joseph Story, Smith Thompson, John McLean, Henry Baldwin — Associate Justices.

Enoch Ringgold Esquire Marshal
William Thomas Carroll Clerk.

Proclamation being made the Court is opened.—

42. Richard R. Vane Pltff in Er. vs Margaret C. Meade Exrx. of Richard W. Meade

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of Columbia holden in and for the County of Washington and was argued by Counsel; On consideration whereof. It is considered, ordered and adjudged by this court that the Judgment of the said Circuit Court in this cause be and the same is hereby affirmed with costs and damages at the rate of Six per centum per annum.—

"P. M. Mr. Thompson"

118. James Caver Pltff in Er. vs John I Keta & others

The argument of this cause was continued by Mr. Ogden for the defendants in Error.

Proclamation being made the Court is adjourned until

Monday January 25th 1830.

Pursuant to adjournment the Court met this morning at the Capitol.

Present:

The Honorable John Marshall Chief Justice
The Hon'ble Gabriel Duvall, Joseph Story, Smith Thompson, John McLean, Henry Baldwin — Associate Justices

Jenel Ringgold Esquire Marshal
William Thomas Carroll Clerk

Proclamation being made the Court is opened.

Anna Maria Thornton Exrx of William Thornton, decd — Appellant
vs
The Bank of Washington — Appellee

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of Columbia holden in and for the County of Washington and was argued by Counsel; On consideration whereof it is ordered and adjudged by this Court that the Judgment of the said Circuit Court in this cause be and the same is hereby affirmed with costs and damages at the rate of six \6/ per centum per annum. —

"P. M. Jus: Story"

Monday January 25th 1830 Continued. —

33.	Jesse of Herman V. Hart Pltff in Er. vs John Lewis —	The argument of this cause was commenced by Mr Harris on the part of the Plaintiff in Error and continued by Mr Hoffman on the part of the defendant in Error.
34.	Jesse of Herman V. Hart Pltff in Er. vs Asa Smith —	The argument of this cause was commenced by Mr Harris on the part of the Plaintiff in Error and continued by Mr Hoffman on the part of defendant in Error. —
35.	Jesse of Herman V. Hart Pltff in Er. vs Samuel Whitcomb	The argument of this cause was commenced by Mr Harris on the part of the Plaintiff in Error and continued by Mr Hoffman on the part of defendant in Error. —
36.	Jesse of Herman V. Hart Pltff in Er. vs David H. Mifflin	The argument of this cause was commenced by Mr Harris on the part of the Plaintiff in Error and continued by Mr Hoffman on the part of defendant in Error. —
37.	Jesse of Herman V. Hart Pltff in Er. vs Asa Lewis —	The argument of this cause was commenced by Mr Harris on the part of the Plaintiff in Error and continued by Mr Hoffman on the part of the defendant in Error. —

Monday January 25th 1830 Continued

	Piper of Harman Vs Read	The argument of the cause
38	Ths Pfff in Er	was commenced by Mr Hoss
	Elias Dunphries	on the part of the Plaintiff in Error
		and continued by Mr Hoffman
		on the part of the Defendant in Error

Order of Court.

Mr Berrien the Attorney General having moved the Court in pursuance of the 1st resolve contained in the subjoined proceedings of the Bar and Officers of this Court to have said proceedings entered on the Records of this Court. The Chief Justice Marshall remarked as follows, viz "The sentiments of respect and affection which the gentlemen of the Bar and the Officers of the Court have expressed for the loss of our deceased brother are most grateful to us, and I can say with confidence, to all my brethren. No man knew his worth better or deplores his death more than myself; and this sentiment I am certain, is common to his former associates. I am very sure I may say for my brethren as well as for myself that the application is most gratifying to us all; and that in ordering the resolutions to be entered on the minutes of our proceedings, we indulge our own feelings not less than the feelings of those who make the application". Whereupon it is considered and ordered by this Court that the said proceedings of Bar and Officers be entered upon the Minutes. Which

Monday. January 25th 1830. Continued.

"At a meeting of the Gentlemen of the bar of the Supreme Court of the United States and of the Officers of the Court, at the Court room in the Capitol on Saturday January the twenty third Eighteen Hundred and thirty; Mr. Wirt, in the absence of the Attorney General of the United States, was appointed Chairman, and Mr. Peters, Secretary - The following resolutions, were moved by Mr. Webster and unanimously adopted.

Resolved, That the Bar and Officers of this Court feel, with deep sensibility, the loss which the Court and the Community have sustained in the death of the late Honorable Bushrod Washington, Senior Associate Justice of the Court.

Resolved - That we cherish with the highest respect for the professional learning of the deceased for the purity and uprightness of his official character, and for the amiable and excellent qualities belonging to him, as a Man.

Resolved. That to testify these sentiments, we will wear the usual badge of Mourning for the residue of the term.

Resolved. That the Attorney General do move the Court that these resolutions be entered in the minutes of their proceedings."

Proclamation being made the Court is adjourned until tomorrow morning at eleven Oclock.

Tuesday January 26th 1830.

Pursuant to adjournment the Court met this morning at the Capitol.

Present

The Honorable John Marshall Chief Justice

The Honble | Gabriel Duvall, Joseph Story, Smith Thompson, John McLean, Henry Baldwin | Associate Justices

Tench Ringgold Esquire Marshal
William Thomas Carroll Clerk

Proclamation being made the Court was opened

The United States ... vs ... Thomas Binford

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of Kentucky and was argued by Counsel, On consideration whereof, It is considered, ordered and adjudged by this Court that the Judgment of the said Circuit Court in this cause be and the same is hereby affirmed.

"J. M. Thos. McLean"

On Motion first made to the Court in this behalf by Mr Key - It is ordered that John S Carlin Esquire of the State of Maryland be admitted to practice as an attorney and Counsella of this Court and he was sworn accordingly -

Tuesday January 26th 1830 Continued

33	Sepa of Harman V. Hart vs Piff in Er. John Lewis	The argument of this cause was continued by M. Hoffman for the Defendant in Error and concluded by Mr Starrs for the Plaintiff in Error.
34.	Sepa of Harman V. Hart vs Piff in Er. Oren Smith	The argument of this cause was continued by M. Hoffman for the defendant in Error and concluded by Mr. Starrs for the Plaintiff in Error.
35.	Sepa of Harman V. Hart vs Piff in Er. Samuel Chilcomb	The argument of this cause was continued by M. Hoffman for the defendant in Error and concluded by Mr Starrs for the Plaintiff in Error.
36.	Sepa of Harman V. Hart vs Piff in Er. David H. Crippen	The argument of this cause was continued by M. Hoffman for the defendant in Error and concluded by Mr Starrs for the Plaintiff in Error.
37.	Sepa of Harman V. Hart vs Piff in Er. Amas Lewis	The argument of this cause was continued by M. Hoffman for the defendant in Error and concluded by Mr Starrs for the Plaintiff in Error.
38.	Sepa of Harman V. Hart vs Piff in Er. Elias Samphire	The argument of this cause was continued by M. Hoffman for the defendant in Error and concluded by Mr Starrs for the Plaintiff in Error.

Tuesday. January 26th 1830 Continued.

Ex Parte —
Tobias Watkins
On Petition for a writ of
Habeas Corpus —

Mr. Coxe of Counsel for the Petitioner moved the Court to grant a rule to be served on the Attorney General of the United States commanding him to be and appear before the Court on next Saturday, being the thirtieth day of January of this present term of this Court and then and there shew cause if any he have why this court should not award a writ of Habeas Corpus directed to the Marshal of the United States for the District of Columbia commanding him to have before the Court the body of Tobias Watkins the Petitioner now at present to be detained in the Prison of the County of Washington in said District, together with the day and cause of his being so detained &c. Which motion was supported in argument by Mr. Jones; Mr. Attorney General contended that the writ should not be awarded when the merits of the Petition should be argued, such being the regular course. The consideration of which motion is ordered to be Post poned. — "P. M. Ch: Jus: Marshall"

Ex Parte —
Tobias Watkins
On Petition for a writ
of Habeas Corpus.

On consideration of the motion made by Mr. Coxe of Counsel for the Petitioner praying this Court to grant a rule to be served on the Attorney General of the United States commanding him to be and appear before this Court on Saturday

Tuesday. January 26th 1830 Continued.

tern of this Court and then and there shew cause if any he have why this Court should not award a writ of Habeas Corpus directed to the Marshal of the United States for the District of Columbia commanding him to have before this Court the body of Tobias Watkins the Petitioner said at present to be detained in the Prison of the County of Washington in said District, together with the day and cause of his being so detained &c — On consideration whereof It is ordered and adjudged by this Court that the rule as prayed for be and the same is hereby granted returnable on Saturday next the thirtieth day of January of the present term of this Court.

"Jno. M. Ch. Sus. Marshall"

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18. Thomas L Willison — Pltff in Er
vs
The Heirs and Devisees of Andrew Watkins

The argument of this cause was commenced by Mr Blanding for the Plaintiff in Error —

Proclamation being made the Court is adjourned until tomorrow morning at eleven Oclock. —

Wednesday January 27th 1830.

Pursuant to adjournment the Court met this morning at the Capitol.

Present.

The Honorable	John Marshall	Chief Justice
The Hon:	William Johnson	Associate Justices
	Gabriel Duvall	
	Joseph Story	
	Smith Thompson	
	John M Lean	
	Henry Baldwin	

Jere[miah] Ringgold Esqre Marshal
William Thomas Carroll Clerk

Proclamation being made the Court is opened

Thomas P Willeson.	The argument of this cause was
15 Wm Griffin &	continued by Mr Berrien
The Heirs and Devisees	for the respondents in Error
of Isaac Watkins	and concluded by Mr McDuffie
	for the Plaintiff in Error

Proclamation being made the Court is adjourned until tomorrow Morning at eleven o'clock.

Thursday January 28th 1830.

Pursuant to adjournment the Court met this morning at the Capitol —

Present

The Honorable John Marshall Chief Justice
William Johnson
Gabriel Duvall
The Court Joseph Story Associate Justices
John McLean
Henry Baldwin

Enoch Ringgold Esquire Marshal.
William Thomas Carroll Clerk.

Proclamation being made the Court is opened. —

On motion first made to the Court in this behalf by Mr Webster It is ordered that Asa Child Esquire of the State of Connecticut be admitted to practice as an attorney and Counsellor of this Court and he was sworn accordingly. —

Alexander Gordon and
Samuel Hartpence
vs
Francis B Ogden —

Mr Ogden of Counsel for the defendant in Error moved the Court to dismiss the writ of Error for want of Jurisdiction on the ground that the amount in controversy was less than Two thousand dollars. Which motion was opposed by Mr Coxe of Counsel for the Plaintiff in Error. The consideration of which motion is ordered to be postponed. —

"R. M. C. Jno Marshall"

80.	James & Al Bill & others Plffs in Err vs Cunningham & Loring	The argument of this cause was commenced by Mr Ogden for the Plaintiffs in Error, continued by Mr Webster for the Defendants in Error and concluded by Mr Ogden for the Plaintiffs in Error. —

Proclamation being made the Court is adjourned until tomorrow morning at eleven Oclock. —

Friday January 29th 1830.

Pursuant to adjournment the Court met this morning at the Capitol—

Present

The Honble	John Marshall	Chief Justice
	William Johnson	
	Gabriel Duvall	
The Honble	Joseph Story	Associate Justices
	John McLean	
	Henry Baldwin	

Jenah Ringgold Esquire Marshal
William Thomas Carroll Clerk

Proclamation being made the Court is opened—

	The United States Appl.	This cause came on to be
14.	vs	heard on the transcript of
	Isaac T. Preston Attorney	the record from the District
	General of Louisiana	Court of the United States

for the Eastern District of Louisiana and was argued by Counsel; On consideration whereof It is ordered and decreed by this Court that the decree of the said District Court in this cause be and the same is hereby reversed and that the said cause be and the same is hereby remanded for further proceedings to be had therein according to law and justice and in conformity to the opinion of this Court.—

"Jo. M. Jno. Johnson"

Alexander Gordon and Samuel Mark. Jeffers. vs Francis B. Ogden	This cause came on to be heard on the transcript of the record from the District Court of the United States for the District of East Louisiana and was argued by Counsel On Consideration Whereof, and of the motion made by Mr. Ogden in this cause on a prior day of this Term, Viz. On Thursday the twenty eighth day of January of the present term of this Court to dismiss this writ of Error for want of Jurisdiction the amount in controversy not exceeding the sum of Two Thousand Dollars - It is ordered and adjudged by this Court that the writ of Error in this cause be and the same is hereby dismissed for want of Jurisdiction on the ground that the sum in controversy does not exceed the sum of Five thousand dollars. And the same is accordingly dismissed. - "Pr. Mr. Ch: Jus: Marshall"
39.	

William Parsons. Pltff in Er. vs Bedford Marlow and Robeson ~~~	The argument of this cause was commenced by Mr. Livingston on the part of the Plaintiffs in Error and continued by Mr. Jones for the defendants in Error. -
13.	

Friday January 29th 1830 Continued.—

110.	William Parsons Plff in Er. vs. James Arma & J.W. Oakey Syndics of the Creditors of James Arma — —	The argument of this cause was commenced by Mr. Livingston on the part of the Plaintiff in Error and continued by Mr. Jones for the defendants in Error.—

Proclamation being made the Court is adjourned until tomorrow morning at eleven oclock.—

Saturday January 30th 1830.

Pursuant to adjournment the Court met this morning at the Capitol.

Present.

The Honorable John Marshall Chief Justice.

The Hons. William Johnson, Gabriel Duvall, Joseph Story, John M. Lean & Henry Baldwin — Associate Justices

Teunch Ringgold Esquire Marshal
William Thomas Carroll Clerk

Proclamation being made the Court is opened.

13. William Parsons Plff in Er. vs Benjn. Brookhouse and Robeson — The argument of this cause was concluded by Mr. Webster for the Plaintiff in Error.

110. William Parsons Plff in Er. vs James Armor & J. W. Bailey Executors of the Credits of James Armor — The argument of this cause was concluded by Mr. Webster for the Plaintiff in Error.

Saturday January 30th 1830 Continued.

	Samuel Meredith Pltff in Er.	Mr Wickliffe moved the
15.	" " Pltff in Er.	Court to dismiss this cause
	William Bradford &	for the want of Jurisdiction
	Enos Daniel ~~	on the ground that the amount

in controversy does not exceed the sum of Two thousand dollars. The consideration of which motion is ordered to be postponed. ~

"P. M. Ch. Jus. Marshall"

	The President Directors and	On motion of Mr Watt of counsel
	Company of the Bank of the	for the appellee in this cause
	United States & Nathaniel	and a certificate of the Clerk
	E. Venable and Abraham	of the Circuit Court of the
	W. Venable Executors of	United States for the Eastern
	Samuel W. Venable dec'd	District of Virginia stating
126.	Vs Appellts	that at a Term of said Court
	John I. Swann ~~	held at the Capitol in the

City of Richmond on Friday the eighth day of June One thousand eight hundred and twenty seven the rule entered in the Clerks office, taking the Bill for confessed as to the President Directors and Company of the Bank of the United States, having been duly served, and these defendants failing to shew cause to the contrary of what followeth, the cause came on this day to be heard on the Bill answer of the other defendants replication, depositions and exhibits and was argued by counsel, On consideration whereof, the Court doth adjudge order and decree, that the injunction awarded the Plaintiff to stay execution of the Judgment in the Bill mentioned be perpetual, and that the defendants pay

behalf expended — From which decree the defendants executors of Samuel W. Venable deceased prayed an appeal to the Supreme Court of the United States which is allowed having been filed and the appellants having failed to lodge a transcript of the record in said cause with the Clerk of this Court agreeably to the rules of this Court — It is hereby adjudged, ordered and decreed by this Court that this cause be dismissed and that the said appeal in this cause be and the same is hereby dismissed —

"Jn. M. Ch. Jus. Marshall"

Ex parte —
Tobias Watkins
On Petition for a writ
of Habeas Corpus —

Mr Key of Counsel for the petitioner proceeded to argue in support of the Motion made by him on a prior day of this term, Court on Tuesday the twenty sixth day of January of the present term of this Court for a rule to be granted to be served on the Attorney General of the United States commanding him to shew cause why this Court should not award a writ of Habeas Corpus as prayed for in the Petitioners petition, to whom Mr Attorney General replied on the part of the United States and proceeded to shew cause why the rule should not be made absolute —

Proclamation being made the Court is adjourned

Monday February 1st 1830.—

Pursuant to adjournment the Court met this morning at the Capitol—

Present—

The Honorable John Marshall Chief Justice

The Hon.— William Johnson, Gabriel Duvall, Joseph Story, John M'Lean, Henry Baldwin — Associate Justices

Joseph Ringgold Esquire Marshal

William Thomas Carroll Clerk—

Proclamation being made the Court is opened—

The Bank of the United States and Samuel W. Venables Exrs vs John T. Swann — Appeal

On consideration of the motion made by Mr Wirt of Counsel for the Appellee for leave to take from the Office of the Clerk of this Court before the adjournment of the present term of this Court an official certificate of the dismissal of this appeal on last Saturday being the thirtieth day of January of the present term of this Court. It is ordered that said motion be overruled and that the leave prayed for be refused, as under the practice of this Court the appellants would have a right during the present term to lodge a transcript of the record of said appeal with the Clerk of this Court and move to have the appeal reinstated— Whereas to grant the present prayer or motion would be to prejudge such a motion—

"R. M. Ch. Jus. Marshall"

Monday February 1st 1830 Continued.

Ex Parte -
Tobias Watkins
on petition for a writ of
Habeas Corpus -

Mr. Jones of Counsel for the Petitioner proceeded to argue in support of the motion made by Mr. Coxe on a former day of this term & on Tuesday the twenty sixth day of January of the present term of this Court for a rule to be issued on the Attorney General of the United States to shew cause why this Court should not award a writ of Habeas Corpus as prayed for by the petitioner. -

William Brent & and
John Warren Rivers
vs
John McKim Jr.

5. Appeals.

The appellants in this cause having been three times solemnly called by the Marshal to come into Court and prosecute their appeal from the Judgment of the District Court of the United States for the District of West Virginia in Chancery to be done, and the appellee in this cause having also been three times solemnly called by the Marshal to come into Court and from the record prosecute the appeal and having failed so to do, On Consideration Whereof. It is ordered and decreed by this Court that this cause be and the same is hereby dismissed. -

"J. M. Ch. Sus. Marshall"

Monday February 1st 1830 Continued.

85.	336 Bales of Cotton — David Canfield admr Claimt Appellt vs The American and Ocean Insurance Companies of New York — Appellees	The argument of this cause was commenced by Mr Cope for the Claimant continued by Mr Ogden for the Appellees and concluded by Mr Webster for the Appellant. —
103.	The American and Ocean Insurance Companies of New York — Appellts vs David Canfield admr Appellee	This cause was argued by Mr Ogden for the appellants and by Messrs Cope & Webster for the appellee. —

Proclamation being made the Court is adjourned until tomorrow morning at eleven Oclock. —

Tuesday February 2d 1830 —

Pursuant to adjournment the Court met this morning at the Capitol —

Present

The Honorable	John Marshall	Chief Justice
The Hon.s —	William Johnson	Associate Justices
	Gabriel Duvall	
	Joseph Story	
	Smith Thompson	
	John McLean &	
	Henry Baldwin	

Enoch Ringgold Esquire Marshal
William Thomas Carroll Clerk —

Proclamation being made the Court is opened —

15. Robert Boyce and Richard Boyce Executors of James Boyce dec.d — Plff.s in Error
vs
Felix Grundy — Deft in Error

This cause came on to be heard on the Transcript of the record from the Circuit Court of the United States for the District of West Tennessee and was argued by Counsel, On consideration whereof It is ordered and decreed by this Court that the decree of the said Circuit Court in this cause be and the same is hereby affirmed with Costs. —

"P. M.L Jus. Johnson"

Tuesday February 2d 1830 Continued.

Alexander Finlay and John A. Mitchell. —
31 "vs" Jeffs in Error
William Hing. —

This cause came on to be heard on the transcript of the Record from the District Court of the United States for the Western District of Virginia and was argued by Counsel, On consideration whereof It is Ordered and adjudged by this Court that the Judgment of the said District Court in this cause be and the same is hereby affirmed with Costs. —

"P. M. C. Jus. Marshall"
"M. Jus. Johnson dissenting"

John Inglis demandt.
19 "vs"
The Trustees of the Tailors Ivey Harbor in the City of New York. Tenants

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the Southern District of New York and on the questions and points on which the Judges of the said Circuit Court were opposed in opinion and which were certified to this Court for its opinion in pursuance of the act of Congress for that purpose made and provided and was argued by Counsel On consideration whereof, It is the opinion of this Court

I. That at the the count in the cause is for the entire right in the Premises the demandant may recover a less quantity than the entirety. —

II. And under the second general Point the following answers are given to the specific questions —

1st If John Inglis the demandant was born before the 4th of July 1776 he is an alien and disabled from taking real estate by inheritance. —

2d If he was born after the 4th of July 1775 and before the 11th of September of the same year when the British took possession of New York, he would not be under the like disability.—

3d If he was born after the British took possession of New York and before the evacuation on the 25th of November 1783 he would be under the like disability.—

4th If the grand Jury shall find, that Charles Ingles the Father and John Ingles the demandant did in point of fact, elect to become and continue British subjects, and not American citizens the demandant is an alien and incapable from taking real estate by inheritance.—

III. The Will of Catherine Brunton was sufficient to pass her right and interest in the premises in question, so as to defeat the demandants right to recover, so far as her right or interest extended.—

IV. The proceedings against Paul Richard Randall as an absent debtor, passed his right or interest in the lands in question &c. and vested the same in the Trustees appointed under the said proceedings so as to defeat the demandants right to recover so far as his right or interest extended unless the grand Jury shall find, that the trusts vested in the Trustees have been performed, and if so the said proceedings will not defeat the demandant in any respect.—

V. The devise in the will of Robert Richard Randall of the lands in question, is a valid devise, so as to divest the heir at law of his legal estate.

Tuesday February 2d 1830 Continued.

Ordered and adjudged by this Court to be certified to the Judges of the said Circuit Court of the United States for the Southern District of New York

I. That altho' the Court in the cause is for the entire right in the Premises the demandant may recover a less quantity than the entirety —

II. And under the Second General Point the following answers are given to the specific questions —

1st If John Inglis the demandant was born before the 4th of July 1776 he is an alien and disabled from taking real estate by inheritance —

2d If he was born after the 4th of July 1776 and before the 15th of September of the same year when the British took possession of New York, he would not be under the like disability —

3d If he was born after the British took possession of New York and before the evacuation on the 25th of November 1783 he would be under the like disability —

4th If the Grand Jurors shall find that Charles Inglis the father and John Inglis the demandant did in point of fact elect to become and continue British subjects, and not american Citizens the demandant is an alien and disabled from taking real estate by inheritance —

III The will of Catherine Brewerton was sufficient to pass her right and interest in the Premises in question, so as to defeat the demandants right to recover so far as her right & interest is limited —

IV. The proceedings against Paul Richard Randall as an absent debtor passed his right & interest in the lands in the question & vested the same in the Trustees appointed under the said proceedings so as to defeat the demandants

right to recover so far as his right or interest extended unless the grand Jurors shall find that the trusts, vested in the trustees, have been performed, and if so the said proceedings will not affect the demandants in any respect.-

V. The devise in the will of Robert Richard Bancroft of the lands in question is a valid devise, so as to divest the heir at law of his legal estate.-

All of which is accordingly hereby certified to the said Circuit Court.- "Jno. M. Lea Thompson"

Ann Thanks, Marguetta Thanks, Sarah P. Thanks Grace F. Thanks and Eliza Thanks- Appeal from Equity

21. To

Abraham Pepper and Jane his wife Daniel Pepper and Ann Pepper

The cause came on to be heard on the transcript of the record from the Supreme Court of Appeals in Law and Equity on and for the State of South Carolina and was argued by Counsel; On consideration Whereof it is considered and declared by this Court that Ann Thanks the mother of the original defendants was at the time of her death a British subject within the true intent and meaning of the Ninth article of the Treaty of Amity Commerce and Navigation made between His Britannic Majesty and the United States of America on the 19th day of November 1794 and that the said original defendants as her heirs and British subjects are capable to take and did take by descent

Tuesday February 2d 1830 Continued.

tioned and are intitled to the Proceeds of the Sale thereof now in the Registry of the Circuit Court of Equity as in the said Proceedings mentioned. It is therefore considered and adjudged by this Court that there is error in the decree of the said Court of Appeals in Equity of the State of South Carolina in affirming the decree of the Circuit Court in said Proceedings mentioned whereby it was ordered and decreed that the money arising from the Sale of the land in question theretofore reserved subject to the order of the Court be paid over to the Petitioners, as the only heirs who are capable of taking the same. And it is further ordered and adjudged by this Court that for this cause the decree of the Circuit Court aforesaid and of the Court of Appeals aforesaid be and each of them is hereby reversed. And it is further ordered and adjudged by this Court that the cause be remanded to the said Court of Appeals with directions that a decree be entered therein that the said moiety of the said Proceeds of the said Sale be paid over to the original defendants (the present Plaintiffs in Error) as their right and that such further Proceedings be had therein as to justice and equity may in the premises appertain. — "P. V. Jus: Story"

"M. Jus: Johnson dissenting"

Proclamation being made the Court is adjourned until tomorrow morning at eleven Oclock. —

Wednesday February 3d 1830 –

Pursuant to adjournment the Court met this morning at the Capitol –

Present

The Honorable John Marshall Chief Justice

The Hon. – William Johnson, Gabriel Duvall, Joseph Story, Smith Thompson, John M'Lean, Henry Baldwin – Associate Justices

Tench Ringgold Esquire – Marshal

William Thomas Carroll Clerk –

Proclamation being made the Court is opened –

188 James Carver – Plff in Er. vs Devisees of John Jacob Astor and others ~~~~~ – The argument of this cause was continued by Mr. Wirt for the Defendants in Error. –

Proclamation being made the Court is adjourned until tomorrow morning at eleven o'clock. –

Thursday February 4th 1830.

Pursuant to adjournment the Court met this morning at the Capitol

Present

The Honorable	John Marshall	Chief Justice
	William Johnson	
	Gabriel Duvall	
The Hons.	Joseph Story	Associate Justices
	Smith Thompson	
	John McLean	
	Henry Baldwin	

Enoch Ringgold Esquire Marshal
William Thomas Carroll Clerk.

Proclamation being made the Court is opened.

65 | Depee of Samuel Meredith Plff in Er. vs. William Bradford and Enos Daniel ——— Defts

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of Kentucky, On consideration whereof and of the motion made by Mr Wickliffe of Counsel for the Defendants in Error in this cause on a prior day of this term to wit On Saturday being the 30th day of January of the present term of this Court to dismiss the writ of Error in this cause, for the want of Jurisdiction on the ground that the amount in controversy does not exceed the sum of Two thousand dollars. It is considered, ordered and adjudged by this Court that the writ of error in this cause be and the same is hereby dismissed for want of jurisdiction on the ground that the amount in controversy does not exceed the sum of Two thousand dollars and the same is

118	James Garner Plff in Er. vs Defts of John Jacob Astor and others	The argument of this cause was continued by Mr Wirt for the defendants in Error and by Mr Webster for the Plaintiff in Error.

Proclamation being made the Court is adjourned until tomorrow morning at eleven Oclock.

Friday February 5th 1830.

Pursuant to adjournment the Court met this morning at the Capitol.—

Present.

The Honorable John Marshall Chief Justice

	William Johnson	
	Gabriel Duvall	
The Hon.s—	Joseph Story—	Associate Justices
	Smith Thompson	
	John McLean	
	Henry Baldwin	

Enoch Ringgold Esquire Marshal

William Thomas Carroll Clerk

Proclamation being made the Court is opened.—

118	James Cannonpliff in Er. vs Lessee of John Jacob Astor and others ——	The argument of this cause was continued by Mr Webster for the Plaintiff in Error.—

Proclamation being made the Court is adjourned until tomorrow morning at eleven o'clock.—

Saturday February 6th 1830 —

Pursuant to adjournment the Court met this morning at the Capitol. —

Present.

The Honorable John Marshall Chief Justice

The Hon:— William Johnson
Gabriel Duvall
Joseph Story
Smith Thompson
John McLean
Henry Baldwin
} Associate Justices

Enoch Ringgold Esquire Marshall
William Thomas Carroll Clerk.

Proclamation being made the Court is opened. —

33. James Jackson et ux. vs Harman V. Hart — vs Jeffries — John Lewis —

This cause came on to be heard on the transcript of the record from the Court for the trial of Impeachments and Correction of Errors for the State of New York and was argued by Counsel; On consideration whereof it is ordered and adjudged by this Court that the Judgment of the said Court for the trial of Impeachments and Correction of Errors for the State of New York in this cause be and the same is hereby affirmed with Costs. —

"P. M. Sus. Baldwin"

Saturday February 6th 1830 Continued.

James Jackson ex dem: Harman V. Hart — 31. vs Pltff in Er. Wm Smith —	This cause came on to be heard on the transcript of the record from the Court for the Trial of Impeachments and Correction of Errors for the State of New York and was argued by Counsel; On consideration whereof, It is ordered and adjudged by this Court that the Judgment of the said Court for the Trial of Impeachments and Correction of Errors for the State of New York in this cause be and the same is hereby affirmed with Costs. — "P. M. Jno. Baldwin"

James Jackson ex dem: Harman V. Hart — 35. vs Pltff in Er. Samuel Whitcomb	This cause came on to be heard on the transcript of the record from the Court for the Trial of Impeachments and Correction of Errors for the State of New York and was argued by Counsel; On consideration whereof, It is ordered and adjudged by this Court that the Judgment of the said Court for the Trial of Impeachments and Correction of Errors for the State of New York in this cause be and the same is hereby affirmed with Costs. — "P. M. Jno. Baldwin"

36. James Jackson ex dem. Harman V. Hart — vs Jeff in Ex: David H. Crippin

This cause came on to be heard on the transcript of the record from the Court for the Trial of Impeachments and Correction of Errors for the State of New York and was argued by Counsel; On Consideration whereof, It is ordered and adjudged by this Court that the Judgment of the said Court for the Trial of Impeachments and Correction of Errors for the State of New York in this cause be and the same is hereby affirmed with Cost. — "Jos. M. Jno. Baldwin"

37. James Jackson ex dem. Harman V. Hart — vs Jeff in Ex: Amos Sims — —

This cause came on to be heard on the transcript of the record from the Court for the Trial of Impeachments and Correction of Errors for the State of New York and was argued by Counsel; On Consideration whereof, It is ordered and adjudged by this Court that the Judgment of the said Court for the Trial of Impeachments and Correction of Errors for the State of New York in this cause be and the same is hereby affirmed with Cost. — "Jos. M. Jno. Baldwin"

Saturday February 6th 1830 Continued.-

James Jackson ex dem:
Harmus W. Hart
38. vs. Pltff in Er.
Elias Hamphire

This cause came on to be heard on the transcript of the record from the Court for the Trial of Impeachments and Correction of Errors for the State of New York and was argued by Counsel On consideration whereof. It is ordered and adjudged by this Court that the Judgment of the said Court for the trial of Impeachments and Correction of Errors for the State of New York in this cause be and the same is hereby affirmed with costs.—

"P. M. Jus: Baldwin"

Ex Parte-
Tobias Watkins
On Petition for a writ of Habeas Corpus-

On consideration of the rule granted in this cause on a prior day of this Term to wit on Tuesday the twenty sixth day of January of the present Term of this Court and of the argument thereupon had, It is considered ordered and adjudged by this Court that the said rule be and the same is hereby discharged, and that the Prayer of the Petitioner for a writ of Habeas Corpus be and the same is hereby refused

"P. M. Ch. Jus Marshall"

John Lee Pepe of Malcolm Gilchrist and John Reed, and Ester Reed his wife, Alexander Neill and Ann his wife, Violet Cathey, Duncan Neill and Mary his wife, George Cathey Irwin Elijah Patton, and Margaret his wife, Robert Patton and Rebecca his wife, Robert Reed and Elizabeth his wife, John Montgomery and Polly his wife and John Penland and Ally his wife heirs and devisees of George Cathey dec'd— Plff in Er

20. No

Robert Dysart— Def't in Er

On motion of Mr White of Counsel for the Defendant in Error the Plaintiff in Error in this cause having been three times solemnly called by the Marshal to come into Court and prosecute this writ of Error to the Circuit Court of the United States for the District of West Tennessee and failing so to do— On consideration whereof It is ordered and adjudged by this Court that the writ of Error in this cause be and the same is hereby dismissed with costs. — Pr. Mr Ch. Jus. Marshall

48. No Appl.

John P. Van Ness & wife
The Corporation of Washington and The United States

On motion of Mr Coyle of Counsel for the Appellants and by consent of Mr. Wirt of Counsel for the Appellees, It is ordered by the Court that this cause be set down for argument on Monday the 22d day of February of the present Term of this Court. Pr. Mr Ch. Jus. Marshall

William T. Galt Samuel Galt, Lucy Sanders widow and relict of John Sanders dec'd late Lucy Galt, Gabriel Galt, Alexander Galt, Patrick Galt, Richard Galt, Richard Capsw and Sally his wife late Sally Galt and Mary Galt children and heirs in Parcenary of James Galt deceased, and John M. Galt infant child of John Minson Galt dec'd brother of said Samuel Galt and others and son of the said James Galt dec'd by William T. Galt his next friend. — Appellants.—

28. vs

Elias Langham, James Galloway Jr. William Stephenson, Andrew Gibson, Matthew Gibson, William Wilson, Thomas Baker, Robert Patterson and Joshua Collett. —

On Motion of Mr. Wright of Counsel for the Appellees the Appellants in this cause having been three times Solemnly called by the Marshal to come into Court and prosecute their Appeal from the Decree of the Circuit Court of the United States for the District of Ohio and failing so to do. On consideration Whereof. It is ordered, adjudged and decreed by this Court that this cause be and the same is hereby dismissed with Costs. — J. M. Ch. Jus: Marshall

John McKinney &others Appls
34. vs
John Carrall Appellee

On Motion of Mr Sons of Counsel for the Appellants. It is ordered by the Court that this cause be and the same is hereby continued to the next Term of this Court. —
J. M. Ch. Jus: Marshall

25. John Fisher - Plff in Er
vs
James Higgins -

On motion of Mr Wickliffe of Counsel for the Defendant in Error It is ordered by the Court that this cause be and the same is hereby continued to the next Term of this Court with leave to the said Counsel to move for its dismissal during the present Term of this Court. —

"Jr. M. Ch. Jus. Marshall"

26. John Fisher - Plff in Er.
vs
William Cockerell

On motion of Mr Wickliffe of Counsel for the defendant in Error - It is ordered by the Court that this cause be and the same is hereby continued to the next Term of this Court, with leave to the said Counsel to move for its dismissal during the present Term of this Court. —

"Jr. M. Ch. Jus. Marshall"

17. Antonie Soulard's Heirs
vs Appls
The United States -

On motion of Mr Benton of Counsel for the Appellants in this cause It is ordered that this this cause be set down for argument on Monday the fifteenth day of February of the present Term of this Court. —

"Jr. M. Ch. Jus. Marshall"

Saturday February 6th 1830 Continued.

32.	John Smith &c Appellt vs The United States.	On motion of Mr Berdon of Counsel for the appellants in this cause - It is ordered that this cause be set down for argument on Monday the Fifteenth day of February of the present term of this Court. - "J. M. Ch. Jus. Marshall"

47	James Caldwell. Appellt vs John Tagart & others	On consideration of the motion made by Mr Wirt of Counsel for the Appellant, It is ordered by the Court that this cause be and the same is hereby Postponed and that it be placed at the foot of the Docket. - "J. M. Ch. Jus. Marshall"

Proclamation being made the Court is adjourned until Monday next at eleven Oclock A.M. -

Monday February 8th 1830 —

Pursuant to adjournment the Court met this morning at the Capitol —

Present.

The Honorable	John Marshall	Chief Justice
The Hon:	William Johnson Gabriel Duvall Joseph Story — Smith Thompson John M'Lean Henry Baldwin	Associate Justices

Tench Ringgold Esquire Marshal
William Thomas Carroll Clerk —

Proclamation being made the Court is opened —

118.	James Garner, Plff in Er. vs Lefevre of John I Defendants & others	The argument of this cause was concluded by Mr Webster for Plaintiff in Error. —

12.	John W King - Appellant vs James Hamilton & others	The argument of this cause was commenced by Mr Doddridge for the appellant. —

Proclamation being made the Court is adjourned until tomorrow morning at eleven O'clock. —

Tuesday February 9th 1830

Pursuant to adjournment the Court met this morning at the Capitol.—

Present

The Honorable John Marshall Chief Justice

The Hon: William Johnson, Gabriel Duvall, Joseph Story, Smith Thompson, John McLean, Henry Baldwin — Associate Justices

Josiah Ringgold Esquire Marshal

William Thomas Carroll Clerk.

Proclamation being made the Court is opened.—

110. William Parsons Giffin &c. vs James Armor & J. W. Oxley Syndics of the Creditors of James Armor ———

This cause came on to be heard on the transcript of the record from the District Court of the United States for the District of East Louisiana and was argued by Counsel; On consideration whereof It is ordered and adjudged by this Court that the Judgment of the said District Court in this cause be and the same is hereby reversed; and it is further ordered and adjudged by this Court that this cause be and the same is hereby remanded to the said District Court with instructions to enter Judgment in said Court for William Parsons the defendant in this cause.— "P. M. Sus: Johnson"

John W. King Appt.
vs.
James Hamilton & Others

The argument of this cause was continued by Mr. Coxe
For the Appellant by Mr. Wright
for the Appellees and concluded by Mr. Coxe for
the Appellant.—

On motion first made to the Court in this behalf by Mr. Webster, It is ordered that John J. Wurtz Esquire of the State of Pennsylvania be admitted to practise as an attorney and counsellor of this Court and he was sworn accordingly.—

Stephen West, Richard W. West
Benjamin Odell and Harriet
his wife, Maria Mullikin,
Benjamin Odell Jr, Ellen Odell,
Christiana Odell and James
Robinson —— Plffs in Er.
vs.
40. The Depue of Dominick Lodor,
Henry I. Poole John Inglis
and William Lynch ——

On motion of Mr.
Coxe one of counsel
for the Defendant
in Error the Plain-
tiffs in Error in this
cause having been
three times solemnly
called by the Mar-
shal to appear and
prosecute this writ
of Error to the District
Court of the United States for the District of West
Virginia and failing so to do; On consideration
whereof, It is ordered and adjudged by this Court
that the writ of Error in this cause be and the same
is hereby dismissed with costs.—

"J. M. Ch. Jus. Marshall"

Tuesday February 9th 1830 Continued.

Samuel L. Harris Marshal &c Pltff in Error vs. James Dennie	The argument of this cause was commenced by Mr Dunlop for the Plaintiff in Error and continued by Mr Webster for the Defendant in Error. —

57.

William Parsons, Pltff in Er. vs. John R. Bradford, James W. Breedlove and William Robeson, trading under the firm of Bradford Breedlove and Robeson —	This cause came on to be heard on the transcript of the record from the District Court of the United States for the District of Louisiana and was argued by Counsel. On Consideration Whereof, It is ordered and adjudged by this Court that the Judgment of the said District Court in this cause be and the same is hereby affirmed with Costs and damages at the rate of Six (6) per centum per annum. — "J. M. Jn. Story"

13.

Proclamation being made the Court is adjourned until tomorrow morning at eleven o'clock. —

Pursuant to adjournment the Court met this morning at the Capitol.

Present

The Honble John Marshall Chief Justice

The Hon:— William Johnson, Gabriel Duvall, Joseph Story, Smith Thompson, John McLean, Henry Baldwin — Associate Justices

Tench Ringgold Esqre Marshal
William Thomas Carroll Clerk.

Proclamation being made the Court is opened.

28. William T. Galt & others Appts. vs Elias Vaughan and others — Mr Coughlan moved the Court for leave to reinstate this cause; the consideration of which motion is agreed to be postponed. —

57. Samuel L. Harris, Marshal U. S. &c Plff in Error vs James Dennie — The argument of this cause was concluded by Mr Attorney General for the Plaintiff in Error. —

27.	William McClung Plff in Er. vs Wyllys Silliman Deft	The argument of this cause was commenced by Mr Doddridge for the Plaintiff in Error. continued by Mr Attorney General for the Defendant in Error and concluded by Mr Doddridge for the Plaintiff in Error. —
69.	John Conard Plff in Er. vs Francis H. Nicoll	On motion of Mr Sergeant of Counsel for the Defendant in Error and by consent of Mr Attorney General of Counsel for the Plaintiff in Error — It is ordered that this cause be submitted to the consideration of the Court on the briefs of Counsel and the transcript of the record without argument. — "P. V. Ch Jus Marshall"

Proclamation being made the Court is adjourned until tomorrow morning at eleven Oclock. —

Thursday February 11th 1830.

Pursuant to adjournment the Court met this morning at the Capitol –

Present.

The Honorable	John Marshall	Chief Justice
	William Johnson	
	Gabriel Duvall	
The Hon.s –	Joseph Story	Associate Justices
	Smith Thompson	
	John M.Lean Esq.r	
	Henry Baldwin	

Tench Ringgold Esquire Marshal
William Thomas Carroll Clerk

Proclamation being made the Court is opened –

80. James C. C. Bell, William De Gough, George Frederick Darby & Robert Grant – Pltffs in Er.r vs. John A. Cunningham and William I. Boring

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of Massachusetts and was argued by Counsel. On consideration whereof. It is ordered and adjudged by this Court that the Judgment of the said Circuit Court in this cause be and the same is hereby affirmed with costs and damages at the rate of six (6) per centum per annum. –

"Jno. Mch. Chf. Jus. Marshall"

Thursday February 18th 1830. Continued

14	George B. Caperton Plff in Er. vs The Union Bank of George Town —	The argument of this cause was commenced by Mr Hoge for the Plaintiff in Error, continued by Mess. Dunlop and Key for the Defendant in Error and concluded by Mr Hoge for the Plaintiff in Error. —
52.	Robert Chinoweth and others Plffs in Er. vs Lessee of Benjamin Haskell and others	The argument of this cause was opened by Mr Doddridge for the Plaintiff in Error. —

On motion first made to the Court in this behalf by Mr Attorney General of the United States — It is ordered that B F Bailey Esquire of the State of Vermont be admitted to practise as an Attorney and Counsellor of this Court and he was sworn accordingly. —

53	Bernard G Farrar and Joseph C Brown vs Plffs in Er. The United States —	On motion of Mr Attorney General of Counsel for the defendants in Error, the Plaintiffs in Error this cause having been three times solemnly called by the Marshal to appear and prosecute the writ of Error to the District Court of the United States for the District of Missouri and failing so to do. On consideration whereof. It is ordered and adjudged by this Court that the writ of Error in this cause be and the same is hereby dismissed with costs. —

J. M. Ch. Sup. Marshall

46.	The Providence Bank vs Stephens Billings & others	The argument of this cause was commenced by Mr Whipple for the Plaintiff in Error

Order of Court.

There having been two Associate Justices of the Supreme Court appointed since its last Session. It is Ordered that the following allotment be made of the Chief Justice and the Associate Justices of the said Supreme Court among the Circuits agreeably to the act of Congress in such case made and provided and that such allotment be entered on record viz

For the First Circuit The Hon Joseph Story
For the Second Circuit The Hon Smith Thompson
For the Third Circuit The Hon Henry Baldwin
For the Fourth Circuit The Hon Gabriel Duvall
For the Fifth Circuit The Hon John Marshall Ch Justice
For the Sixth Circuit The Hon William Johnson
For the Seventh Circuit The Hon John McLean.

Proclamation being made the Court is adjourned until tomorrow morning at eleven Oclock.

Friday February 12th 1830.—

Pursuant to adjournment the Court met this morning at the Capitol.—

Present

The Honorable John Marshall Chief Justice

The Hon.— William Johnson, Gabriel Duvall, Joseph Story, Smith Thompson, John M'Lean and Henry Baldwin Associate Justices.

Jesse Reynolds Esqre Marshall
William Thomas Carroll Clerk.

Proclamation being made the Court is opened.—

by John Connard & al. / T. Tiffin & c. / Francis H. Nicol & / This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of Pennsylvania and was argued by counsel. On consideration whereof, It is ordered and adjudged by this Court that the Judgment of the said Circuit Court in this cause be and the same is hereby affirmed with Costs and damages at the rate of Six (6) per centum per Annum.—

"H. M. Jno. Baldwin"

Friday February 12th 1830 Continued.

27 William M'Clung — Pltff in Error
vs
Wyllys Silliman (N.Y.)

This cause came on to be heard on the Transcript of the record from the Circuit Court of the United States for the District of Ohio and was argued by Counsel, On consideration whereof, It is ordered and adjudged by this Court that the Judgment of the said Circuit Court in this cause be and the same is hereby affirmed with costs. —

"Jos. M. Inc. M'Lean"

85 356 Bales of Cotton
Rachel Gaulin admx
of David Gaulin, Plaint
vs
The American Insurance Company and Ocean Insurance Company of New York. — Appt

This cause came on to be heard on the Transcript of the record from the Circuit Court of the United States for the District of South Carolina, and was argued by Counsel, On consideration whereof, It is ordered and decreed by this Court that the decree of the said Circuit Court in this cause be and the same is hereby affirmed without costs for the Libellants. —

"Jos. M. Inc. Story"

Friday February 12th 1830. Continued

The American Insurance Company and Ocean Insurance Company of New York. - Appts.	This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of South Carolina and was argued by counsel, on consideration whereof. It is ordered and decreed by this Court
103.	
vs	
Rachel Canter admx of Samuel Canter, deceased.	that the decree of the said Circuit Court in this cause be and the same is hereby affirmed with costs for the Claimant. "Jas. M. Sus: Story" -
that the decree of the said Canter the claimant -	

Townsend D. Peyton and Levin Duckett. Appts	M. Taylor of Counsel for the appellants in this cause moved the Court for leave to file
22.	
vs	
Joseph Tilch -	the appearance of the heirs and representatives of Levin Duckett one of the appellants in this case whose death has been suggested to this Court on a prior day of this term to wit on Friday the fifteenth day of January of the present term of this Court and for leave to the said heirs and representatives to enter their appearance in this cause and prosecute this appeal from the Circuit Court of the United States for the District of Kentucky in conjunction with Townsend D. Peyton the co appellant, On consideration whereof. It is ordered by this Court that the said heirs and representatives do file their appearance and that leave be and the same is hereby granted to them to appear and prosecute said appeal. -

"Jas. M. Ch. Jus: Marshall"

Friday February 13th 1830 Continued.

Townsend L. Peyton and others — Appellants
vs
Joseph Stith

22.

Mr Bibb of Counsel for the appellee in this cause moved the Court for a rule to be granted to be served on the appellants in this cause commanding them to appear before this Court at its next January Session to shew cause if any they have why this appeal from the Circuit Court of the United States for the District of Kentucky should not be dismissed for the want of Jurisdiction on the ground that it does not appear upon the face of the transcript of the record of said appeal that the sum or matters in controversy exceed the sum or value of Two thousand dollars; On consideration Whereof, It is considered and ordered by this Court that a rule be and the same is hereby granted to be served on the appellants in this appeal or their counsel commanding them to appear either in person or by counsel before this Court at its next January Session to wit on the second Monday of January in the year of our Lord Eighteen hundred and thirty one then and there to shew cause if any they have why this Appeal from the Circuit Court of the United States for the District of Kentucky should not be dismissed for want of Jurisdiction, it not appearing upon the face of the transcript of the record in said appeal that the sum or matters in controversy exceed the sum or value of Two thousand Dollars.—

By J. M. Ch: Jus: Marshall"

Friday February 13th 1830 Continued.

41. William Fowle, surv. Pltf. in Er. vs. The Common Council of Alexandria Defts. in Er.

The argument of this cause was commenced by Mr. Swann for the Plaintiff in Error continued by Mess. Payne and Jones for the Defendant in Error and concluded by Mr. Swann for the Plaintiff in Error.

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45. The Patapsco Insurance Company Pltf. in Er. vs. John Coulter use of Rupell & others Defts.

The argument of this cause was commenced by Mr. Mayer for the Plaintiff in Error. —

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67. John Conard (M. S.) Pltf. in Er. vs. Francis K. Nicoll Deft.

Mr. Sergeant of Counsel for the defendant in Error moved the Court to order the Clerk to issue the mandate in this cause immediately, and also to give to the defendant in Error a certificate of the affirmance of the Judgment in this case, On consideration whereof, It is ordered by this Court that the Clerk thereof do forthwith issue the mandate in this cause and that he do deliver to the defendant in Error a certificate of the Judgment of this court in this case.

Jo. M. Clk Sup. Court

Proclamation being made the Court is adjourned until tomorrow morning at eleven O'clock. —

Saturday February 13th 1830. –

Pursuant to adjournment the Court met this morning at the Capitol. –

Present

The Hble John Marshall Chief Justice
The Hon: William Johnson, Gabriel Duvall, Joseph Story, Smith Thompson, John M'Lean, Henry Baldwin — Associate Justices

Tench Ringgold Esquire Marshal
William Thomas Carroll Clerk –

Proclamation being made the Court is opened –

45. The Patapsco Insurance Company. Plff in Er: vs John Coulter "use of S. Russell & others" –

The argument of this cause was continued by Mr Wirt for the Defendant in Error and concluded by Mr Meyer for the Plaintiff in Error –

109. Joseph Mandeville and Samuel B. Parmour Plffs in Er: vs Thomas Cooke & afer.

Mr Key of Counsel for the Defendant in Error filed in Court the affidavit of John A. Smith sworn to in open Court and which is in the following words to wit, "John A. Smith a clerk in the office of William Brent Clerk of the Circuit Court of the Dist. of Colª for the County of Washington makes oath that when Mandeville

Saturday February 13th 1830 Continued.

one of the Pltfs applied at the office for a copy of the record in this case, it was found that some of the papers appeared to be wanting, without which it would be difficult if not impossible, to make out the record properly. The said papers having been taken out of the office on various occasions when the cause was progressing, and after being (as Pltf believes) sometimes in the hands of Counsel, were left with the Court or one of the Judges thereof, for their consideration during the vacation. The said Pltf was informed that they would endeavour to procure the necessary papers and make out the record. That endeavours were made by applications to the Counsel on both sides to obtain a supply the papers, but without success. That endeavours were made by applications to the Counsels on both sides to obtain a supply the Papers, that the said Pltf calling again several times and requesting to be supplied with the record, and insisting on having it made out as well as it could be done from the papers then in the office, in order to submit the same to a Judge of the Supreme Court for a certificate, he was furnished with a copy of the same so made out, with an understanding that the Clerk of the Circuit Court should correct the same whenever he should be able to obtain or supply the papers then wanting. That the record was made out & on the production of the certificate of Judge Washington sent up. And the said Pltf further states that he is now enabled to supply the papers wanting and to correct the record according to them. That the reasons in arrest of Judgment on the first trial was one of the papers wanting. That it appears from the docket

entry that such a paper was filed - and from the opinion of the Court in Judge Branch's note book, he is unable to supply it - that a Statement of the case was also wanting, which is copied into the opinion of the Court as read by Judge Branch from his note book which enables him to supply it - that the terms upon which the verdict on the last trial was entered is omitted also in the present record, & the decision of the Court on the verdict is incorrectly stated - which omissions and errors in the said record were occasioned as deponent verily believes from the absence of the said Papers - all which can be now be corrected & inserted in the manner above Stated from the Full & particular notes of the proceedings in the said cause as Stated in the opinions of the Court in Judge Branch's said book. Whereupon the said Counsel for the defendant in Error suggest to the Court here a diminution of the record in this 1st That the reasons in arrest of Judgment on the first trial it appearing from the docket entry in said case that such a paper was filed, is wholly omitted in the transcript of the record sent up to this Court - 2d That the Statement of the case which is copied into the opinion of the Court is wholly omitted in the said transcript of the record - 3d That the terms upon which the verdict on the last trial was entered is wholly omitted in said transcript, and 4th That the decision of the Court on the verdict is incorrectly stated in said transcript -
By reason of which omissions and errors as aforesaid

Saturday February 13th 1830 Continued.

of Certiorari — On consideration whereof, It is ordered by this Court that a writ of Certiorari be issued forthwith to the Judges of the Circuit Court of the United States for the District of Columbia holden in and for the County of Washington commanding them to certify under the Seal of the said Court what omissions and errors shall be found and return the same with the said writ of Certiorari to this Court on next Saturday being the fourteenth day of February of the present term of this Court. — "P. M. Ch. Jus. Marshall"

Gerrit Schimmelpennick and Jan Adrian Le Roy — Pffs in Error

vs

William Bayard William Bayard & Robert Bayard and Jacob Le Roy —

Def.ts in Error

No 60 of 1828.

Mr Spencer of Counsel for the Plaintiffs below, moved the Court to amend the Judgment or order of this Court, made in this cause at its January Session in the year of our Lord One thousand eight hundred and twenty eight on the sixth point propounded to this Court for its opinion in which this Court says that "the 6th Question is decided by the answer to the Second and third so far as respects the right of the Plaintiffs to maintain their action — On the Quantum of damages this court can give no opinion" Which motion was suspended in argument by Mr Webster and opposed by Mr C. C. Lee of Counsel for the Defendants — The consideration of which motion is ordered to be postponed. —

"P. M. Ch. Jus. Marshall"

State of New Jersey — Complt
vs
The People of the State of New York —

In Equity. —

Mr Southard Attorney General of the State of New Jersey and Mr Wirt Solicitor for the Complainant in this cause in pursuance of the notices given in said cause which are in the following words to wit. "Washington City 12 January 1830. To His Excellency Enos T Throop Governor of the State of New York, and to Greene C Bronson Esquire, Attorney General of the State of New York, Gentlemen — A Bill having been filed on the Equity side of the Supreme Court of the United States; by the State of New Jersey against The People of the State of New York, a copy whereof, with the usual and regular process of Subpoena, to appear and answer the said Bill having been duly served on you, and you having failed to appear on the return day of said Process, notice is hereby respectfully given to you. that we as Solicitors for the State of New Jersey Complainant in the said Bill, will move the said Supreme Court of the United States on Saturday the thirteenth day of February next to proceed ex parte in the said cause and to take the said Bill pro confesso, and render a decree, in conformity with the Prayer thereof, according to the rules of Practice established in the said Court, or for such other order as to the said Court may seem meet, unless on or before the said thirteenth

Saturday February 13th 1830 Continued.

answered the said Bill, & shall shew sufficient cause to the contrary - Signed / Sam[l] L. Southard, Attorney General of New Jersey Solicitor for Complainant - W[m] Wirt Solicitor for Complainant" Endorsed "Northern District of New York ss. William P. Sherman alledging himself conscientiously scrupulous of taking an Oath and being duly affirmed according to Law, on his Solemn affirmation saith, that on the twenty first day of January instant, he did in Albany in the State of New York, deliver to His Excellency Enos T. Throop, acting Governor of the said State, a notice of which the foregoing is a true copy - & further saith not - W[m] P. Sherman - affirmed this twenty second day of January A.D. 1830. before me. A. Conkling Judge of the United States in and for the Northern District of New York."

"Washington City 13th January 1830 To His Excellency Enos T. Throop, Governor of the State of New York and To Greene C. Bronson, Esquire, Attorney General of the State of New York - Gentlemen - A Bill having been filed on the Equity side of the Supreme Court of the United States by the State of New Jersey against The People of the State of New York a copy whereof with the usual and regular process of Subpoena to appear and answer the said Bill, having been duly served on you, and you having failed to appear on the return day of said process, notice is hereby respectfully given to you, that we as Solicitors for the State of New Jersey, Complainant in the said Bill, will move the said Supreme Court on Saturday the thirteenth day of February next, to proceed <u>exparte</u> in the said cause, and to take the said Bill pro confesso, and render a decree in

conformity with the Prayer thereof, according to the rules of practice established in the said Court or for such other order as to the said Court may seem meet, unless on or before the said thirteenth day of February next you shall have appeared and answered the said Bill & shall shew sufficient cause to the contrary - Signed/ Sam.l L. Southard Attorney General of the State of New Jersey and Solicitor for Complainant - Wm Wirt Solicitor for Complainant." - Endorsed "I Enoch Ringgold Marshal of the United States for the District of Columbia do hereby certify and declare that I did on the 13 day of January in the year one thousand eight hundred and thirty, serve a, and deliver to Greene C. Bronson Esquire, Attorney General of the State of New York an exact copy of the within and above written notice. - Signed/ Enoch Ringgold Marshal of the United States for the District of Columbia, January 16th 1830. - Sworn to before me this thirteenth day of February A.D. 1830. - Signed/ Joseph Story, one of the Justices of the Sup. Ct of U. States." And by reason of a suggestion filed by Greene C. Bronson Esquire Attorney General of the State of New York, which is in the following words, to wit: "Washington City Jan. 8. 1830 To the Honorable the Chief Justice and the Associate Justices of the Supreme Court of the U. S. - A Bill has been exhibited in this Court by the State of New Jersey against the People of the State of New York concerning the boundary line between the two States: and a subpoena to appear and answer with a [illegible]

Saturday February 13th 1830 Continued.

upon the Governor of the State of New York. A notice has recently been served that on the 13th instant the Court would be moved to take the Bill pro confesso, and proceed to a decree for the want of an appearance. I beg leave most respectfully to say that the opinion is entertained on the part of the State of New York that this Court cannot exercise jurisdiction in such a case, without the authority of an act of Congress, for carrying into execution that portion of the Judicial Power of the United States which extends to Controversies between two or more States. The Governor of the State of New York has made a communication upon the subject of this suit to the Legislature now in Session, but it has not yet been acted upon so far as I have been advised. Whether the Legislature will authorize any person to appear and discuss the questions of Jurisdiction, or whether for the purpose of obtaining a judicial decision upon the merits of an unfortunate controversy, they will waive an appearance waiving the question, I am at this time unable to determine. I have deemed it proper to make this communication, to explain what might otherwise be supposed a want of respect for this Honorable Court on the part of the executive authority of the State of New York. - Signed "Greene C. Bronson Atty Genl. N. Y." Moved the Court to postpone the consideration of said motion until Saturday the Sixth day of March next of the present term of this Court with leave to the Counsel for the said Complainants on that day either to argue the Point of Jurisdiction to move the Court for a decree in pursuance of said above recited notice for New process in case the Court should determine

that the service of the Process in this case was not sufficient to entitle the Court to proceed against the State or for such other order as to the said Court may seem meet. The consideration of which motion is ordered to be postponed to Saturday the sixth day of March next, with an expectation that the Solicitor for the Complainants will on that day argue the point of jurisdiction — and it is further ordered by the Court that notice of this order be given to the State of New York. —

"Jn. Mc. Ch. Jus: Marshall"

Proclamation being made the Court is adjourned until Monday morning at eleven oclock. —

Monday February 15th 1830.

Pursuant to adjournment the Court met this morning at the Capitol.

Present

The Honorable	John Marshall	Chief Justice
	William Johnson	
	Gabriel Duvall	
The Hons:	Joseph Story	Associate Justices
	Smith Thompson	
	John McLean &	
	Henry Baldwin	

Tench Ringgold Esq. Marshal. — William Thos Carroll Clerk.

Proclamation being made the Court is opened.

Robert Wilkinouth, James Tracy & Thomas Wilkinouth

vs.

The Office of Benjamin Hawkins late Surveyor of Kirkbey William Bowyer and William Breckenridge

This cause came on to be heard on the transcript of the record from the District Court of the United States for the District of West Virginia and was argued by counsel, On consideration whereof.

It is ordered and adjudged by this Court that the Judgment of the said District Court in this cause be and the same is hereby reversed, and that the cause be and the same is hereby remanded to the said District Court with directions to that Court to enter Judgment in said cause for the Defendants in the said District Court. —

"Jno. Mc. Ch: Jus: Marshall"

49. George B. Magruder vs Joseph Jefferson & The Union Bank of George Town

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of Columbia holden in and for the County of Washington and was argued by Counsel; On consideration whereof. It is ordered and adjudged by this Court that the Judgment of the said Circuit Court in this cause be and the same is hereby reversed and that the said cause be and the same is hereby remanded to the said Circuit Court with directions to award a venire facias de novo in said cause. — Jno. Mc. Ch. Jus. Marshall.

On motion first made to the Court in this behalf by Mr. Sergeant, It is ordered that Dexter Randall Esquire of the State of Rhode Island be admitted to practise as an attorney and Counsellor of this Court and he was sworn accordingly —

17. Antoine Poulard's Heirs vs Appts. The United States

The argument of this cause was commenced by Mr. Barton for the appellants. —

Proclamation being made the Court is adjourned until tomorrow morning at eleven o'clock. —

Tuesday February 16th 1830.—

Pursuant to adjournment the Court met this morning at the Capitol.—

Present

The Honorable	John Marshall	Chief Justice
The Hon.—	William Johnson Joseph Story Smith Thompson John McLean & Henry Baldwin	Associate Justices

Tench Ringgold Esquire Marshall
William Thomas Carroll Clerk.—

Proclamation being made the Court is opened.—

John Clay Plff in Er. vs Abraham Smith	This cause came on to be heard on the transcript of the record from the District Court of the United States for the District of Louisiana and was argued by counsel On consideration whereof It is ordered and adjudged by this Court that the Judgment of the said District Court in this cause be and the same is hereby reversed and that the cause be and the same is remanded to the said District Court with instructions to the said Court to enter Judgment for John Clay the defendant in said Court. And it is further ordered by the Court that in consequence of the death of the said Clay while this cause was held under advisement that Judgment be entered nunc pro tunc, as on the first day of this term.—

4.

Pt. Mc Sus. Johnson

Tuesday February 16th 1830. Continued

No 60 of 1828.	Gerrit Schimmelpennick and others. — Appts. below. vs. William Bayard & others	On consideration of the motion made by Mr. Spencer and Webster on a prior day of this term, to wit, On Saturday the thirteenth day of February of the present term of this Court It is ordered by the Court that said motion be and the same is hereby overruled. — Jno. Marshall C.J.
17.	Antoine Soulard's Heirs vs. The United States — Appts.	The argument of this cause was continued by Mr Benton for the Appellants and by Mr Wirt for the Appellee.

On motion being made the Court is adjourned until tomorrow morning at eleven o'clock. —

Wednesday February 17th 1830.

Pursuant to adjournment the Court met this morning at the Capitol.—

Present.

The Honorable John Marshall Chief Justice

The Hon — William Johnson, Joseph Story, Smith Thompson, John M'Lean & Henry Baldwin Associate Justices

Finch Ringgold Esquire Marshall

Williams Thomas Carroll Clerk.

Proclamation being made the Court is opened.—

31. Daniel Ruffner and Joseph Ruffner — vs — Elijah Pate & James Breen — On motion of Mr. Doddridge of Counsel for the Defendant in Error in this cause the Plaintiffs in Error having been three times solemnly called by the Marshal to appear in Court and prosecute this writ of Error to the District Court of the United States for the District of West Virginia and failing so to do, On Consideration Whereof, It is ordered and adjudged by this Court that the writ of Error in this cause be and the same is hereby dismissed with costs.—

"Jn. M. Ch. Jus. Marshall"

56.	John Lloyd Plff in Er. vs Charles Scott, Bailiff &c	The argument of this cause was commenced by Mr E. J. Lee for the Plaintiff in Error and continued by Mr Taylor for the defendant in Error.

44.	Andrew Barclo Appt vs George Coleman	Mr Taylor of counsel for the Appellee having suggested to the Court the death of George Coleman the appellee and having filed a certificate of letters of administration having been granted to William L. Nicll, moved the Court for leave to the said William L. Nicll to file his appearance and to appear and defend this appeal, On consideration whereof, It is ordered by the Court that the said William L. Nicll do file his appearance and that leave be and the same is hereby granted to him to appear and defend this appeal. "Jno. Mr Ch. Jus. Marshall"

Proclamation being made the Court is adjourned until tomorrow morning at eleven oClock.

Thursday February 18th 1830

Pursuant to adjournment the Court met this morning at the Capitol.—

Present

The Honorable	John Marshall	Chief Justice
	William Johnson	
	Joseph Story	
The Hon.—	Smith Thompson	Associate Justices
	John M'Lean	
	Henry Baldwin	

Teuch Ringgold Esquire Marshall
William Thomas Carroll Clerk.—

Proclamation being made the Court is opened.—

56.	John Lloyds pff in Er: vs Charles Scott, Bailiff &c	The argument of this cause was continued by Mr Jones for the defendant in Error and concluded by Mr Swann for the Plaintiff in Error.—

Proclamation being made the Court is adjourned until tomorrow morning at eleven Oclock.—

Friday February 19th 1830

Pursuant to adjournment the Court met this morning at the Capitol —

Present

The Honorable John Marshall Chief Justice

The Hons: — William Johnson, Gabriel Duvall, John M'Lean & Henry Baldwin — Associate Justices

Jesse Ringgold Esquire Marshall

William Thomas Carroll Clerk.

Proclamation being made the Court is opened.

71. The Bank of the United States vs. Levi Tyler — This cause was commenced by Mr Sergeant for the plaintiff in Error and continued by Mr Wickliffe for the defendant in Error.

Proclamation being made the Court is adjourned until tomorrow morning at eleven Oclock.

Saturday February 20th 1830.

Pursuant to adjournment the Court met this morning at the Capitol.—

Present—

The Honorable	John Marshall	Chief Justice
	William Johnson	
	Gabriel Duvall	
The Hon.—	John McLean	Associate Justices
	Henry Baldwin	
Tench Ringgold Esquire		Marshal
William Thomas Carroll Clerk—		

Proclamation being made the Court is opened

On motion first made to the Court in this behalf by Mr Prettyman, It is ordered that Philemon Dickerson Esquire of the State of New Jersey be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly —

47

James Caldwell Appellant vs John Fagan and others	Mr Sheffey of counsel for the appellees in this cause moved the Court to strike out the order of this Court made in this cause on a former day of this term, to wit on Saturday the sixth day of February of the present term of this Court and to restore this cause to its [illegible] on the docket which was opposed by Mr Watt of Counsel for the appellant. The consideration of which motion is ordered to be postponed — "Jno Mc Cl. Jun. Marshall"

21. Jno Shanks and others vs Pltffs in Er. / Graham Deputy &others

Mr Watt of counsel for the plaintiffs in Error moved the Court to order the Clerk to issue a certified copy of the decision or decree of this Court in this cause on consideration whereof It is ordered by the Court that the Clerk of this Court do forthwith issue a certified copy of the decree of this Court in this cause as prayed for. — "Jno Mr Ch Jus Marshall"

86. John Beatty pltff in Er. vs / Depn of Jno Knowles Wife and, / 61. Frances Lapsley pltff in Er. vs / Pierre Chouteau Jr.

Mr Wright of counsel for the plaintiff in Error on No 86 the first cause having filed an agreement signed by the Counsel of all the parties in these two causes that case No 86 may be substituted for No 61 on the docket of this Court in the order of argument moved the Court for leave to substitute No 86 for No 61 in pursuance of said agreement. On consideration whereof It is ordered by the Court that the said motion be and the same is hereby granted and that No 86 be substituted for No 61 on the docket of this Court in the order of argument. — "Jno Mr Ch Jus Marshall"

18. Thomas P. Wilson Plff in Er
vs
The Rivs and Heirs of Thomas Watkins

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of South Carolina and was argued by Counsel On Consideration Whereof, It is ordered and adjudged by this Court that the Judgment of the said Circuit Court in this cause be and the same is hereby reversed and that this cause be and the same is hereby remanded to the said Circuit Court with directions to award a venire Facias de novo.

"Jas. M. Jus. Baldwin"

41 William Towle Surviving Partner &c
vs
The Common Council of Alexandria

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of Columbia holden in and for the County of Alexandria and was argued by Counsel; On Consideration Whereof. It is ordered and adjudged by this Court that the Judgment of the said Circuit Court in this cause be and the same is hereby affirmed with costs.

"Jas. M. Ch. Jus. Marshall"

71 Bank of the United States
vs
Levi Tyler

The argument of this cause was continued by Mr. Bibb for the Defendant in error and by Mr. Sergeant for the Plff in Error.

On motion a mandate being made the Court is adjourned until Monday morning next at eleven o'clock.

Pursuant to adjournment the Court met this morning at the Capitol.

Present.

The Honorable John Marshall Chief Justice

The Hons:- William Johnson, Gabriel Duvall, John M'Lean & Henry Baldwin Associate Justices

Finch Ringgold Esquire Marshal

William Thomas Carroll Clerk.

Proclamation being made the Court is opened.

57

Samuel S. Harris of Boston Marshal of the United States for the District of Massachusetts. — Plff in Er.

vs

James Dennie of Boston in the County of Suffolk and Commonwealth of Massachusetts a Deputy Sheriff for the said County of Suffolk

This cause came on to be heard on the transcript of the record from the Supreme Judicial Court of the Commonwealth of Massachusetts and was argued by Counsel, On consideration whereof It is the opinion of this Court that the causes in the special verdict mentioned were not by the laws of the United States under the circumstances mentioned in the said Verdict liable to be attached by the said Dennie upon the Process in the said verdict mentioned, but that the said attachment so made by the him as aforesaid was repugnant to the laws of the United States and therefore utterly void — It is therefore considered and adjudged

Monday February 22nd 1830 Continued.

by this Court that the Judgment of the said Supreme Judicial Court of Massachusetts rendered upon the said verdict be and the same is hereby reversed and that a mandate issue to that Court with directions to enter a Judgment upon the said Verdict in favor of the original defendant Samuel L Harris and that such further proceedings be had in said cause as to law and justice may appertain. — "Jos. M. Hus. Story"

71. The Bank of the United States. Plff in Er. vs. Dan. Tyler — The argument of this cause was concluded by Mr. Sergeant for the Plaintiff in Error.

86. John Beatty. Plff in Er. vs. Lessee of Wm. Knowles & wife — The argument of this cause was commenced by Mr. Wright for the Plaintiff in Error and continued by Mr. Winter for the defendant in Error.

Proclamation being made the Court is adjourned until tomorrow morning at eleven Oclock. —

Tuesday February 23d 1830. —

Pursuant to adjournment the Court met this morning at the Capitol —

Present. —

The Honorable John Marshall Chief Justice

The Hon: — William Johnson, Gabriel Duvall, Joseph Story, Smith Thompson, John McLean & Henry Baldwin — Associate Justices

Tenl Ringgold Esquire Marshal

William Thomas Carroll Clerk —

Proclamation being made the Court is opened. —

On motion first made to the Court in this behalf by Mr Doddridge — It is ordered that Lewis Maxwell Esquire of the State of Virginia be admitted to practise as an attorney and counsellor of this Court, and he was sworn accordingly. —

On Motion first made to the Court in this behalf by Mr Wirt — It is ordered that William W. Irwin Esquire of the State of Ohio be admitted to practise as an attorney and Counsellor of this Court and he was sworn accordingly. —

Tuesday February 23rd 1830. Continued.

47.	James Caldwell Appt vs John Tagart and others	On consideration of the motion made by Mr Sheffey of Counsel for the appellees in this cause on a prior day of this term, to wit, On Saturday the twentieth day of February of the present term of this Court to set aside the Order entered in this cause on Saturday the sixth day of February of the present term of this Court and to restore this cause to its former place on the docket in the order of argument. It is ordered by the Court that the said Order be and the same is hereby set aside, and that this cause be and the same is hereby restored to its former place on the docket in the order of argument. — "Jn. M. Ch. Jus. Marshall"
28.	William T Galt & others vs Appts Elias Langham & others	Mr Irvin of Counsel for the appellants moved the Court to strike out the order of dismissal entered in this cause on a prior day of this term to wit, On Saturday the sixth day of February of the present term of this Court and to reinstate this cause on the docket of this Court with leave to argue the cause on its merits, which was opposed in argument by Mr Wright of Counsel for the appellees, On consideration whereof. It is ordered by the Court that the said order of dismissal be and the same is hereby stricken out and that this cause be and the same is hereby reinstated on the docket of this Court. — "Jn. M. Ch. Jus Marshall"

Tuesday February 23d 1830 Continued.

86.	John Bently - Pff in Er. vs Defts. Asa Knowles Admr	The argument of this cause was concluded by Mr Knight for the Plaintiff in Error.
63.	John Backhouse's admrs & al vs Jeffs. James Hunter's admrs & al	The argument of this cause was commenced by Mr Haynes for the Plaintiffs.
109.	Manwille & Larmour vs Pff in Er. Thomas Cookendafer	The argument of this cause was commenced by Mr E. I. Lee for the Plaintiff in Error Continued by Mr Key for the Defendant in Error and concluded by Mr Lee for the Plaintiff in Error.

Proclamation being made the Court is adjourned until tomorrow morning at eleven Oclock.

Wednesday February 24th 1830.—

Pursuant to adjournment the Court met this morning at the Capitol—

Present.—

The Honorable John Marshall Chief Justice

The Hon:—	William Johnson Gabriel Duvall Smith Thompson John M'Lean Henry Baldwin	Associate Justices

Enoch Ringgold Esquire Marshal
William Thomas Carroll Clerk.—

Proclamation being made the Court is opened.—

12. John M. King Appellant
vs
James Hamilton & others

Mr Wright of Counsel for the Appellees moved the Court to suspend & defer the entry of any Judgment or decree in this cause until tomorrow; On Consideration whereof It is ordered by the Court that said motion be and the same is hereby granted.—

"Jn. M. Ch. Jus. Marshall"

67. Walter Bracken, Appellant
vs
Frances West & others

Mr Bibb of Counsel for the appellant in this cause having filed a suggestion of diminution, suggests to the Court here a diminution of the transcript of the record certified into this Court from the Circuit Court of the United States for the District of Kentucky in this that

there is no decree in the said transcript, whereas in truth and in fact, there was a decree, which is enrolled in the said Circuit Court in and for the Seventh Circuit and Kentucky District.

By reason of which omissions and errors aforesaid the said Counsel moved the Court to award a writ of Certiorari to be directed to the Judges of the Circuit Court of the United States for the Seventh Circuit and District of Kentucky commanding them that searching the records of said Court in this cause they shall certify to this Court under the seal of the said Court what omissions and errors shall be found, on consideration whereof. It is ordered by the Court that a writ of Certiorari be and the same is hereby awarded to be issued forthwith directed to the Judges of the Circuit Court of the United States for the District of Kentucky commanding them to certify under the seal of the said Court what omissions and errors shall be found and return the same with the said writ of Certiorari to this Court at its next January Session to wit on the second Monday of January in the year of our Lord One thousand eight hundred and thirty One. —

"Jno. M. Ch. Jus. Marshall"

Wednesday February 24th 1830 Continued.

97

Francis Wist & Henry Nixon
vs Appls
Walter Brashear —

Mr Bibb of counsel for the Appellee in this cause having filed a suggestion of diminution, suggests to the Court here a diminution in the transcript of the record certified into this Court from the Circuit Court of the United States for the District of Kentucky in this that there is no decree in the said transcript, Whereas in truth and in fact there was a decree, which is enrolled in the said Circuit Court in and for the Seventh Circuit and Kentucky District. By reason of which omissions and errors as aforesaid the said Counsel moved the Court to award a writ of Certiorari to be directed to the Judges of the Circuit Court of the United States for the Seventh Circuit and District of Kentucky commanding them that searching the records of said Court in this cause they shall certify to this Court under the seal of the said Court, whatever omissions and errors shall be found, On consideration whereof It is ordered by the Court that a writ of certiorari be and the same is hereby awarded to be issued forthwith directed to the Judges of the Circuit Court of the United States for the District of Kentucky commanding them to certify under the seal of the said Court what omissions and errors shall be found and return the same with the said writ of Certiorari to this Court at its next January Septr Term on the second Monday of January in the year of our Lord One thousand eight hundred and thirty One. —

J. M. Ch. Jus. Marshall

Wednesday February 24th 1830 Continued

72.	John G. M'Donald vs Jeffries & George B. Magruder	The argument of this cause was commenced by Mr Jones for the Plaintiff in Error continued by Mr Key for the Defendant in Error and concluded by Mr Jones for the Plaintiff in Error.
73.	James Pratt's admrs vs Jeffries & Thomas Pratt	The argument of this cause was commenced by Mr Key for the Plaintiff in Error and continued by Mr Coxe for the Defendant in Error.

Proclamation being made the Court is adjourned until tomorrow morning at eleven oclock.

Thursday February 25th 1830.

Pursuant to adjournment the Court met this morning at the Capitol —

Present

The Honorable John Marshall Chief Justice.

The Hon: — William Johnson, Gabriel Duvall, Joseph Story, Smith Thompson, John M'Lean and, Henry Baldwin } Associate Justices

French Ringgold Esquire Marshal
William Thomas Carroll Clerk —

Proclamation being made the Court is opened. —

On motion first made to the Court in this behalf by M' Wickliffe. It is ordered that Ch. G. De Witt Esquire of the State of New York be admitted to practice as an attorney and counsellor of this Court, and he was sworn accordingly. —

55 James L' Wolf &c. vs Jeff. Geo. F. Usher. —

This cause in which the Judges of the Circuit Court of the United States for the District of Rhode Island are stated to have been divided in opinion came on to be heard and was argued by counsel; but on inspection of the record the point on which the Judges of the said Court were so divided in opinion is not certified — this court therefore can take no jurisdiction of the cause. Whereupon it is ordered

that this cause be and the same is hereby remanded to the said Circuit Court for the District of Rhode Island with directions to proceed therein according to Law. — Pr. M. Ch. Jus. Marshall

73.	James Spratts admx vs Jeffries Thomas Spratt	The argument of this cause was continued by Mr Crox for the Defendant in Error and concluded by Mr. Jones for the Plaintiff in Error.
7.	Antonio Soulard's Heirs vs Appts The United States	The argument of this cause was continued by Mr Benton for the Appellants.

Proclamation being made the Court is adjourned until tomorrow morning at eleven Oclock.

Friday February 26th 1830

Pursuant to adjournment the Court met this morning at the Capitol.—

Present

The Honorable John Marshall Chief Justice

The Hon. — William Johnson, Gabriel Duvall, Joseph Story, Smith Thompson, John McLean & Henry Baldwin — Associate Justices

Peter Ringgold Esquire Marshal

William Thomas Carroll Clerk

Proclamation being made the Court is opened.—

On motion of Mr Dibb. It is ordered that Reuben T. Loughborough Esquire of the State of Kentucky be admitted to practice as an attorney and Counsellor of this Court and he was sworn accordingly.—

Joseph Hanseville and Samuel B. Tarmour — Pltffs in Er.
Thomas Cookin dorfer — Defendant in Error

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of Columbia holden in and for the County of Washington and was argued by counsel. On consideration whereof It is ordered and adjudged by this Court that the Judgment of the said Circuit Court in this cause be and the same is hereby affirmed with costs.—

P. Ringgold Marshal"

Friday February 26th 1830. Continued

17.	Antonio Soulard's Heirs vs The United States Appl'ts	The argument of this cause was concluded by Mr Benton for the Appellants. —
32.	John Smith P. Appl't vs The United States	The argument of this cause was commenced by Mr Benton for the Appellant. —

Proclamation being made the Court is adjourned until tomorrow morning at eleven Oclock —

Saturday February 27th 1830.

Pursuant to adjournment the Court met this morning at the Capitol.—

Present

The Honorable John Marshall Chief Justice

The Hon:— William Johnson, Gabriel Duvall, Joseph Story, Smith Thompson, John McLean & Henry Baldwin — Associate Justices

Tench Ringgold Esquire Marshal
William Thomas Carroll Clerk.—

Proclamation being made the Court is opened.—

On motion first made to the Court in this behalf by Mr. Wickliffe. It is ordered that Robt. Howell Esquire of the State of New York be admitted to practise as an attorney and counsellor of this Court, and he was sworn accordingly.—

36 John S Boyd Plff in Er. vs Charles Scott, Bailiffe of William T. Mone ne of John McKim Jr. —

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of Columbia holden in and for the County of Alexandria, and was argued by counsel. On consideration whereof, It is ordered and adjudged by this Court that the Judgment of the said Circuit Court in this cause be and the same is hereby reversed and that this cause be and the same is hereby remanded to the

said Circuit Court with instructions to overrule the demurrers to the second and fourth pleas and to permit the defendant to plead, and for such further proceedings as to Law and justice may appertain — Jn° Ps. M. Jno. M'Lean.

Ex parte —
Martha Bradstreet
In the matter of James Jackson & wife Martha Bradstreet vs Daniel Thomas —

Mr Storrs in pursuance of a notice in the following words, viz: Mr Storrs presents his compliments to Mrs Bradstreet and informs her that his professional duty will require him to move the Supreme Court on Saturday morning next to proceed to consider the returns of Judge Conkling to the rules for Mandamus (in the two causes) granted on her behalf at the last term of the Court. Mr S requests that the original papers on which the rules were granted may be then returned to the Files of the Court — Tuesday Feby 23d — And with the following endorsement thereon viz: Washington D. Henry R. Storrs being duly sworn saith that he delivered a true copy of the enclosed notice to Mrs Martha Bradstreet on the 24th inst. H. R. Storrs. Moved the Court to fix a day on which he as counsel for the Hon Alfred Conkling might shew cause as commanded by this Court why a Mandamus should not be awarded commanding him to sign the Bill of Exceptions marked A, which was opposed in argument by Mr Key of Counsel for Mrs Bradstreet. On consideration whereof it is ordered by this Court that the Hon Alfred Conkling be heard by his Counsel on Saturday next being the Sixth

Saturday February 21st 1823 Continued.—

Ex parte.
Martha Bradstreet
In the Matter of James
Sucks ex dem. Martha
Bradstreet &c. Joseph
Kirkland

Mr. Storrs in pursuance of a notice in the following words viz." Mr. Storrs presents his compliments to Mrs Bradstreet and informs her that his professional duty will require him to move the Supreme Court on Saturday morning next to proceed to consider the returns of Judge Conkling to the rules for Mandamus (in the two causes) granted on her behalf at the last term of the Court. Mr. S. requests that the original papers on which the rules were granted may be then returned to the Files of the Court. Tuesday Feby 23." and writes the following endorsement thereon, viz" Washington D.C. Henry R. Storrs being duly sworn saith that he delivered a true copy of the enclosed notice to Mrs Martha Bradstreet on the 24th inst. H. R. Storrs." Moved the Court to fix a day for which he as counsel for the Hon. Alfred Conkling might shew cause as commanded by this Court why a Mandamus should not be awarded commanding him to sign the bill of exceptions marked B. which was opposed in argument by Mr. Key of Counsel for Mrs Bradstreet— On consideration whereof, It is ordered by this court that the Hon. Alfred Conkling be heard by his Counsel on Saturday next being the fifth day of March of the present term of this Court.—

Jr. Mr. Ch. Jus. Marshall

(P)

John Smith V. Appellt 32 vs The United States	The argument of this cause was continued by Mr Benton for the Appellant and by Mr Wirt for the Appellee.

Proclamation being made the Court is adjourned until Monday morning next at eleven Oclock.

Monday March 1st 1830.

Pursuant to adjournment the Court met this morning at the Capitol —

Present.

The Honorable	John	Marshall	Chief Justice
	William	Johnson	
	Gabriel	Duvall	
The Hon:	Joseph	Story	Associate Justices.
	Smith	Thompson	
	John	McLean &	
	Henry	Baldwin	

Enoch Ringgold Esquire Marshal
William Thomas Carroll Clerk

Proclamation being made the Court is opened. —

John W. King - Appellt
vs
James Hamilla, James Strike and Frances his wife Ezekiah Fulkes, Abraham Kaney and John Hopkins

This cause came on to be heard as the transcript of the record from the Circuit Court of the United States for the District of Ohio, and was argued by counsel On consideration whereof It is ordered and adjudged by this Court that the Judgment of the said Circuit Court in this cause be and the same is hereby reversed as to John W. King and that the said Judgment in this cause be and the same is hereby affirmed as to the other defendants in the Court below. And it is further ordered and adjudged by this Court that this cause be and the same is hereby remanded to the said Circuit Court with instructions to cause a survey to be made, to ascertain the number of acres contained in the Patent, and that on payment

Monday March 1st 1830. Continued —

of the balance and interest due according to the settlement made on the Sixth (6th) of January in the year of our Lord Eighteen Hundred and twenty six (1826) And also a further sum for the surplus land above fifteen Hundred and thirty three and one third (1533/3) acres according as the quantity shall be found on actual survey, at the same average rate or price, as in the original contract with the interest thereon from the twenty fifth (25th) day of December Eighteen Hundred and seven (1807) then the said John W. King to be required to make and execute a good and sufficient deed of conveyance in fee simple to the Complainants in the Court below for all the lands contained in the Patent to Elisha King mentioned in the Pleadings, and which has not been already conveyed by the deed of Elisha King, bearing date the twenty second (22d) of June Eighteen Hundred and nine (1809) The money to be paid and the deed executed at such time as the said Circuit Court shall direct— The injunction to be continued for such time, and under such modifications as shall be judged necessary by the Circuit Court for the purpose of carrying the decree into effect— "Jas. M. Sus Thompson"

32. John Smith &c vs The United States — Appeal

The argument of this cause was continued by Mr. Wirt for the appellee & by Mr. Benton for the appellant. —

Proclamation being made the Court is adjourned until tomorrow morning at eleven Oclock. —

Tuesday March 2d 1830.

Pursuant to adjournment the Court met this morning at the Capitol—

Present

The Honorable	John Marshall	Chief Justice.
The Honble	William Johnson Gabriel Duvall Joseph Story Smith Thompson John McLean and Henry Baldwin	Associate Justices.

Finch Ringgold Esquire Marshal
William Thomas Carroll Clerk.

Proclamation being made the Court is opened.—

On Motion first made to the Court in this behalf by Mr. David Hoffman. It is ordered by the Court that George M. Gill Esquire of the State of Maryland be admitted to practise as an Attorney and Counsellor of this Court, and he was sworn accordingly.—

On Motion first made to the Court in this behalf by Mr. Bibb. It is ordered that N. L. Coleman Esquire of the State of Kentucky be admitted to practise as an Attorney and Counsellor of this Court and he was sworn accordingly.—

118. James Carver. Pff in Err. vs
The Lessee of John Jacob Astor, Theodosius Fowler, Ludwell Eden, D. Golden, Cornelius I. Boyert Henry Gage Morris, Thomas Hincks and John Hincks

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the Southern District of New York and was argued by Counsel. On Consideration whereof it is ordered and adjudged by this Court that the Judgment of the said Circuit Court in this cause be and the same is hereby affirmed with costs. —

"Jos. Mc. Jus: Story"

54. Olivia Saunders Pff. in Err.
vs
Benjamin Gould

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the first Circuit and District of Rhode Island and on the Certificate of the division of the Judges thereof. On inspection whereof this Court is of opinion that the whole cause and not a point or points in the cause, has been adjourned to this Court. Whereupon it is ordered and adjudged by this Court that this cause be and the same is hereby remanded to the said Circuit Court with directions to proceed therein according to Law —

"Jos. Mc. Ch. Jus: Marshall"

Tuesday March 2d 1830 Continued.

137. Duncan McArthur vs Jeffords
Wesley I. Porter vs

Mr Goldridge of Counsel for the Plaintiff in Error in this cause having filed a suggestion of diminution, suggests to the Court here a diminution in the transcript of the record certified into this Court from the Circuit Court of the United States for the District of Ohio in this "that during the progress of the cause in the Court below an order of "Survey had been made directed to Tocker Surveyor of Ross County in the State of Ohio where the Lands in "question lie; Who made out a Survey and report and returned the same to the Court which being found defective the said Tocker with leave of the Court made out "and returned an Amended Survey and report which was "used on the trial instead of the former; and that the Clerk has in the record returned as part of the first and second bills of exceptions the first instead of the last or amended "Survey and report and this suggestion being supported by the affidavit of Thomas Scott Esquire and the Certificate of the Clerk following the third bill of Exceptions" By reason of which omissions and errors as aforesaid the said Counsel moved the Court to award a writ of Certiorari to be directed to the Judges of the Circuit Court of the United States for the Seventh Circuit and District of Ohio commanding them that Searching the records of said Court in this cause they shall certify to this Court under the Seal of the said Court whatever Missions and errors shall be found. Said writ to be made returnable to the next January Term of this Court. On consideration whereof It is ordered by the Court that a writ of Certiorari be and the same is hereby awarded to be issued [illegible] directed to the Judges of the Circuit

Court of the United States for the Seventh Circuit and District of Ohio commanding them that searching the records of said Court in this cause they certify under the Seal of the said Court what amendments and errors shall be found and return the same with the said Writ of Corticrare to this Court at the next January Session thereof to be holden at the City of Washington on the second Monday of January in the year of our Lord one thousand eight hundred and thirty one. — "Jas. M. Ch. Jus. Marshall"

32. John Smith Pltff in Err
vs
The United States
Deft

The argument of this cause was commenced by Mr Benton for the Appellant. —

4. Hiram Craig & others Pltffs in Err
vs
The State of Missouri

The argument of this cause was commenced by Mr Sheffey for the Plaintiffs in Error —

10. Robert T. Evans & others Pltffs in Err
vs
The State of Missouri

The argument of this cause was commenced by Mr Sheffey for the Plaintiffs in Error —

11. Thomas Nelson Pltff in Err
vs
The State of Missouri

The argument of this cause was commenced by Mr Sheffey for the Plaintiff in Error. —

Proclamation being made the Court is adjourned until tomorrow Morning at eleven Oclock. —

Wednesday March 3d 1830.

Pursuant to adjournment the Court met this morning at the Capitol.—

Present.

The Honorable	John	Marshall	Chief Justice
	William	Johnson	
	Gabriel	Duvall	
The Hon:—	Joseph	Story	Associate Justices
	Smith	Thompson	
	John	McLean and	
	Henry	Baldwin	

Enoch Ringgold Esquire Marshal
William Thomas Carroll. Clerk—

Proclamation being made the Court is opened.—

The Bank of the United States			This cause came on to be heard
	vs	Pfiffner	on the transcript of the record
Levi	Tyler	———	from the Circuit Court of the

71. United States for the Seventh Circuit and the District of Kentucky and was argued by Counsel; On consideration Whereof It is ordered and adjudged by this Court that the Judgment of the said Circuit Court in this cause be and the same is hereby affirmed with Costs.

J. M. Js. Baldwin

On motion first made to the Court in this behalf by Mr Peters It is ordered that C. G. Memminger Esquire of the State of South Carolina be admitted to practise as an Attorney and Counsellor of this Court, and he was sworn accordingly.—

Wednesday March 3d 1830 Continued.

On motion Grist made to the Court in this behalf by Mr Benton. It is ordered that Charles S Hempstead Esquire of the State of Missouri be admitted to practise as an Attorney and Counsellor of this Court and he was sworn accordingly. —

9.	Hiram Craig & others vs Pfiffer &c: The State of Missouri	The argument of this cause was continued by Mr Benton for the defendant in Error and concluded by Mr Sheffey for the plaintiffs in Error. —
10.	Robert S Sears & others vs Pfiffer &c: The State of Missouri	The argument of this cause was continued by Mr Benton for the defendant in Error and concluded by Mr Sheffey for the plaintiffs in Error. —
11.	Thomas Wilson Pfiffer &c: vs The State of Missouri	The argument of this cause was continued by Mr Benton for the defendant in Error and concluded by Mr Sheffey for the plaintiff in Error. —
75.	Samuel Shriver & others vs Pfiffer &c: Lessee of John Young & others	The argument of this cause was commenced by Mr Smyth for the plaintiffs in Error.

Proclamation being made the Court is adjourned until tomorrow morning at eleven o'clock. —

Thursday March 4th 1830.

Pursuant to adjournment the Court met this morning at the Capitol.—

Present—

The Honorable John Marshall Chief Justice

The Hons: William Johnson, Gabriel Duvall, Joseph Story, Smith Thompson, John McLean & Henry Baldwin Associate Justices

Enoch Ruggold Esquire Marshal
William Thomas Carroll Clerk—

Proclamation being made the Court is opened.—

80. John Beatty pltff in Er. vs. The Widow of Abr Knowlin Defts

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of Ohio and was argued by counsel, on consideration whereof, It is Ordered and adjudged by this Court that the Judgment of the said Circuit Court in this cause be and the same is hereby affirmed with Costs.—

"Pt. M. Sus. McLean"

45. The Patapsco Insurance Company — Plff in Er:
vs
John Coulter use of Stephen Russell, Charles Callaghan and James Coulter —

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of Maryland and was argued by Counsel; On consideration whereof; It is ordered and adjudged by this Court that the Judgment of the said Circuit Court in this cause be and the same is hereby affirmed with costs and damages at the rate of six per centum per annum. —

"J. M. Sup: Johnson"

72. John G. McDonald
vs Plff in Er.
Geo. B. Magruder

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of Columbia holden in and for the County of Washington and was argued by Counsel; On consideration whereof, It is ordered and adjudged by this Court that the Judgment of the said Circuit Court in this cause be and the same is hereby reversed, and that the cause be and the same is hereby remanded to the said Circuit Court with instructions to the Judges of the said Court to set aside the verdict and to enter Judgment therein as on a non suit. —

"J. M. Ch: Sup: Marshall"

Thursday March 4th 1830 Continued

Sarah Spratt admx of James Spratt pltff in Er.
vs
73. Thomas Spratt —

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of Columbia holden in and for the County of Washington and was argued by counsel; On consideration whereof, It is ordered and adjudged by this Court that the Judgment of the said Circuit Court in this cause be and the same is hereby reversed and that this cause be and the same is hereby remanded to the said Circuit Court with instructions to enter Judgment in the said Court for the avowant in said cause. —

"Jn. M. Ch. Jus. Marshall"

Daniel Stringer & others
vs
75. Estate of John Young & others

The argument of this cause was continued by Mr Smyth for the Plaintiffs in Error, by Mr Doddridge for the defendant in Error and concluded by Mr Smyth for the plaintiffs in Error. —

John P. Van Ness & wife
vs
48. The Corporation of Washington and The United States —

The argument of this cause was commenced by Mr Lee for the appellants. —

Proclamation being made the Court is adjourned until tomorrow Morning at eleven Oclock. —

Friday March 5th 1830.

Pursuant to adjournment the Court met this morning at the Capitol.

Present

The Honorable John Marshall Chief Justice
William Johnson
Gabriel Duvall
The Hon: Joseph Story Associate Justices
Smith Thompson
John M'Lean
Henry Baldwin

Enoch Ringgold Esquire Marshal
William Thomas Carroll Clerk.

Proclamation being made the Court is opened.

62. Mann Page's admr & others vs Fitzhugh Osgood Hanbury's Exor and others.

Mr Peter on behalf of the defendants in this cause having filed the affidavit of Hugh Mercer, suggesting the death of Robert Patton administrator (cum testo annexo) of Mann Page, one of the defendants in this cause since this cause was certified into this Court, moves the Court to continue this cause to the next term of this Court with leave to the representatives of the said Robert Patton deceased to enter their appearance as codefendants in this cause. The consideration of which motion is ordered to be postponed.

R. M. Ch. Jus. Marshall's

John Backhouse's admr & others — pffs.

63. vs

Robert Patton admr de bo non of James Hunter dec'd and others — defts

Mr Peters on behalf of the defendants in this cause having filed the affidavit of Hugh Mercer suggesting the death of Robert Patton administrator de bonis non of James Hunter one of the defendants in this cause since this cause was certified into this Court and moves the Court to continue the cause to the next term of this Court with leave to the representatives of the said Robert Patton deceased to enter their appearance as co defendants in this cause which was opposed by Mr Baynes of Counsel for the Plaintiffs. The consideration of which motion is ordered to be postponed. — "P. M. Ch. Jus. Marshall"

Christian Breithaupt & Henry Shultz — Complts below

138 vs

The Bank of the State of Georgia

Mr Wilde of Counsel for the respondents in this cause having filed an agreement of Counsel in the words following, viz' It is consented and agreed by and between the parties to the above cause that the same be re instated on the Docket and that the Complainants do amend their Bill by averring the citizenship of the several defendants — Geo McDuffie — R. H. Wilde." moved the Court to rescind and set aside the order and judgment entered in this cause by this Court at its January Session in the year of our Lord Eighteen Hundred and twenty eight on the sixth day of February anno Domini Eighteen Hundred and twenty eight and to reinstate this cause on the docket of this Court with leave to the Counsel to argue said cause during the

Friday March 5th 1830 Continued

It is ordered by the Court that this cause be and the same is hereby re instated on the present docket of this Court, and that leave be and the same is hereby granted to the Counsel to argue this cause during the present term of this Court. —

"Jn. M. Ch. Jus: Marshall"

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14 John Inglis Lemandant
vs
The Trustees of the Tailors Song Kenbo in the City of New York — Tenants. —

Mr Webster of Counsel for the Lemandant in this cause moved the Court to set aside the order made by the Court in this cause on Tuesday being the second day of February of the present term of this Court and for leave to the Counsel to re argue said cause — Which motion was opposed by Mr Whit of Counsel for the Tenants — The consideration of which motion is ordered to be post poned. —

"Jn. M. Ch. Jus: Marshall"

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100. John Winship and others
vs Pfffon &
The Bank of the United States. — —

Mr Webster of Counsel for the defendant in Error moved the Court to fix a day for the hearing of this cause — On Consideration

Whereof, It is ordered that said motion be over-ruled. — —

"Jn. M. Ch. Jus: Marshall"

Friday March 5th 1830 Continued.

On motion first made to the Court in this behalf by Mr Peters. It is ordered that Archibald Randall Esquire of the State of Pennsylvania be admitted to practice as an attorney and Counsellor of this Court, and he was sworn accordingly. —

	John P. Van Ness & Wife — vs — The Corporation of Washington and The United States. —	The argument of this cause was continued by Mr Cox for the Appellants and by Mr Jones for the Appellees. —
48.		

Proclamation being made the Court is adjourned until tomorrow morning at eleven oclock. —

Saturday March 6th 1830

Pursuant to adjournment the Court met this morning at the Capitol.—

Present.

The Honorable John Marshall Chief Justice.
William Johnson
Gabriel Duvall
The Hon: Joseph Story Associate Justices
Smith Thompson
John McLean
Henry Baldwin

Tench Ringgold Esquire Marshal.—
William Thomas Carroll Clerk.

Proclamation being made the Court is opened.

62. Mann Page &c vs Thos Jeffs No
Osgood Hanbury Esq and others.—

On consideration of the motion made by Mr Peters on behalf of the respondent in this cause on Yesterday (being the Fifth day of March of the Present term of this Court) suggesting the death of Robert Patton. demonstrated (Cum testimonio annexo) of Mann Page one of the respondents in this cause since it was entered into this Court and praying that said cause may be continued to the next term of this Court, with leave to the heirs and representatives of the said Robert Patton dec? to enter their appearance as co. respondents in this cause, and of the affidavit of Hugh Mercer filed in said cause — It is ordered by this Court that this cause be and the same

Saturday March 6th 1830 Continued.

is hereby continued to the next term of this Court, with leave to the Heirs and representatives of the said Robert Patton deceased to enter their appearance as co defendants in this cause.—

Jos. M.Lean Ch. Jus. Marshall

63. John Buckhouse's admr &c others Pltffs
vs
Robert Patton admr de bonis non &c of James Hunter decd & others Defts

On consideration of the motion made by Mr Peters on behalf of the defendants in this cause on Yesterday (being the Fifth day of March of the present term of this Court) Suggesting the death of Robert Patton administrator de bonis non &c of James Hunter deceased, one of the defendants in this cause since it was certified into this Court and praying that said cause may be continued to the next term of this court with leave to the Heirs and representatives of the said Robert Patton decd to enter their appearance as co defendants in this cause, and of the affidavit of Hugh Moran filed in said cause.—
It is ordered by this Court that this cause be and the same is hereby continued to the next term of this Court with leave to the Heirs and representatives of the said Robert Patton deceased to enter their appearance as co defendants in this cause.—

Jos. M.Lean Ch. Jus. Marshall

17 John Inglis Demandt
vs
The Trustees of the Tailors Society Hall in the City of New York — Tenants —

On consideration of the motion made by Mr Webster of Counsel for the Demandant in this cause on Yesterday (being the Fifth day of March of the present term of this Court) praying this

Saturday March 6th 1830. Continued.

a Judgment entered in this cause on Tuesday the second day of February of the present term of this Court and for leave to Counsel to re-argue said cause - It is ordered by the Court that said leave as prayed for be and the same is hereby refused, and that the said Motion be and the same is hereby overruled. — Pr. M. Ch. Sup. Marshall

The State of New Jersey Complt.
vs
The People of the State of New York

In Equity. -

On consideration of the motion made by Messrs Southard and Wirt Solicitors for the Complainant in this cause on Saturday the 13th day of February of the present term of this Court, praying the Court to postpone the consideration of this cause until Saturday the sixth day of March of the present term of this Court, praying the Court to postpone with leave to the Counsel for the said Complainant on that day if they to argue the Point of Jurisdiction, & to move the Court for a decree in pursuance of the notice therein recited, & for new process in case the Court should determine that the service of the process in this case, was not sufficient to entitle the Court to proceed against the State of New York & for such other order as to the Court may seem meet.
It is considered by the Court that as no one appears to argue this motion on the Part of the State of New York and the precedent has been established in the case of Chisholm's Exrs against the State of Georgia,

Saturday March 6th 1830 Continued.

argument but will follow the precedent so established after grave and solemn argument. The Court is the more disposed to adopt this course as the State of New York will be at liberty to contest this proceeding at any time in the course of the cause. Whereupon It is ordered by the Court that, as the service of the former Process in this cause was defective in as much as it was not served sixty days before the return day thereof as required by the rules of this Court, Process of subpoena be and the same is hereby awarded as prayed for by the Complainant. "Jno. Mc Chr. Jus. Marshall"

The President, Directors and Company of the Bank of the United States Plffs.

vs

Solomon Etting Defdt.

On motion of Mr Wirt of Counsel for the Plaintiffs in this cause and by consent of Counsel for the defendant in said cause as appears by the agreements marked A & C. filed in this cause which are in the following words to wit

43.

Agreement marked A "Solomon Etting to The President Directors and Company of the Bank of the United States. Judgment affirmed in the Supreme Court of the United States at February Term 1825. Whereas the following entry or memorandum was entered on the Calendar of the Supreme Court of the United States at the above Term viz^t on the 10th of March 1825 that is to say "It is agreed on the part of the defendant in Error, that the Judgment in this cause shall not operate in any other cause, notwithstanding any agreement heretofore made between the parties to that effect". Now it is agreed by the Plaintiff in Error and the

"and totally rescinded, so as that the Judgment ren-
"dered upon the Appeal or writ of Error in the above
"cause, shall stand unclogged with any condition,
"and be in the same plight as if no such entry had
"ever been made. It is further agreed that the
"plaintiff in Error / Solomon Elting / shall withdraw
"and he doth hereby withdraw all the Prayers Writs
"for made by him in the above cause, and that the
"Judgments which have been entered in all the
"other cases between the Bank of the United States
"and himself as one of the endorsers of James W. McCul-
"loch shall be, and are hereby declared to be unclogged
"with any condition, and unaffected by the above
"memorandum entered upon the docket of the Supreme
"Court, or any other memorandum or agreement, and
"are final and conclusive. Signed / Solomon Elting.
On the back of which is the following endorsement
viz. "The Clerk of the Supreme Court will file the
"within agreement and strike out the entry therein men-
"tioned. Signed / R. B. Taney. atty. for Solo Elting
"Signed / Wm. Wirt. Atto. for Bank U. S." —
Agreement marked C. "The President, Directors & Com-
"pany of the Bank of the United States, against Sol:
"omon Elting. In the Supreme Court of the United
"States January Term 1830 On a certificate of division
"in opinion of the Judges of the Circuit Court for Mary-
"land District. It is hereby agreed that by consent of Parties
"this cause is withdrawn from the docket of this Court
"and sent back to the Circuit Court to be there proceed-
"ed, according to an agreement of the Parties on file in

appended. Signed/ Solomon & Elting." The following is a copy of the agreement referred to in the above Memorandum The President Directors & Company of the Bank of the United States Vs. Solomon & Elting. In the Circuit Court of the United States for Maryland District at December Term 1827 remanded to the Supreme Court of the United States and standing for trial at January Term 1830 on a certificate of division in opinion of the Judges at the Circuit Court for Maryland District — It is agreed that the defendant Solomon Elting shall withdraw and he doth hereby withdraw all the prayers heretofore made by him in this case, and in the several cases which have been tried or in which Judgments have been entered between the Bank of the United States and himself as one of the endorsers of James W. M'Culloch and withdrawing his plea in this case he confesses the plaintiffs cause of action and gives Judgment for $21333 damages in the declaration mentioned, and costs, the damages to be released on payment of $2333 with interest from the fourth day of April 1826 & costs of Protest $17.50 & costs of suit. It is further agreed that the Judgments which have been rendered in all the other cases between the Bank of the United States and the said Solomon & Elting as one of the endorsers of James W. M'Culloch, shall be and are hereby declared to be modified with any condition, and unqualified by a memorandum entered on the docket of the Supreme Court of the United States in a cause between the same parties on the 16 March 1826 or any other memorandum or agreement and are final and conclusive. Signed/ Solomon & Elting. On the back of which is the following endorsement, viz "The Clerk of the Supreme

That the within case be sent back to the Circuit Court, to be there proceeded in according to the within agreement. Signed / R. B. Taney, atty for Solo. Elting - Signed / Wm. Wirt atty for Bank U. S.

It is ordered by this Court that the agreement entered in the above entitled cause on the 16th day of March Anno Domini Eighteen Hundred and twenty six be totally rescinded and set aside. And it is further ordered and adjudged by this Court that this cause be and the same is hereby remanded to the said Circuit Court with directions to said Court to proceed therein according to law.

"Js. M. Ch. Jus. Marshall"

Ex parte
Martha Bradstreet
In the matter of James
Jackson ex dem:
Martha Bradstreet
vs Samuel Thomas

Mr. Storrs of counsel for the defendant in the Bill of Exceptions mentioned and on behalf of the Honble Alfred Conkling, in pursuance of the order of this Court entered in this case on Saturday the 27th day of February of the present term of this Court, proceeded to shew cause as commanded by the rule granted by this Court in this cause on Thursday the nineteenth day of March in the year of our Lord one thousand eight Hundred and twenty nine why a mandamus should not be awarded commanding him the said Alfred Conkling the District Judge of the Northern District of New York to sign the Bill of Exceptions (marked A as originally tendered to him by the

Saturday March 6th 1830 Continued

James Jackson on the demise of Martha Bradstreet against Daniel Thomas in the said District Court and contended that the said rule granted in this case should be discharged - Which was opposed by Mr Key of Counsel for the Defendant of the Plaintiff in the case mentioned) -

On consideration whereof and of the return to the said rule by the said Alfred Conkling filed in this cause on the tenth day of December in the year of our Lord Eighteen Hundred and twenty nine - It is ordered by the Court that the Mandamus as prayed for be and the same is hereby refused, and that the rule heretofore granted in this cause be and the same is hereby discharged -

"Jn. M. Ch: Jus. Marshall"

In Parte

Martha Bradstreet

In the Matter of James Jackson ex dem. Martha Bradstreet against Joseph Richland

Mr Flour of Counsel for the Defendant in the Bill of Exceptions mentioned and on behalf of the Hon[ble] Alfred Conkling, in Pursuance of the order of this Court entered in this case on Saturday the 27th day of February of the present term of this Court, proceeded to shew cause as commanded by the rule granted by this Court in this cause on Thursday the nineteenth day of march in the year of our Lord Eighteen Hundred and twenty nine why a Mandamus should not be awarded commanding him the said Alfred Conkling the District Judge of the Northern district of New York to sign the Bill of Exceptions marked B as originally tendered to him by the Attorney for the Plaintiff at the trial of the cause

against Joseph Kirkland in the said District Court and contended that the said rule granted in this case should be discharged - which was opposed by Mr Key of Counsel for the Defendant in the case mentioned - On Consideration whereof and of the return to the said rule by the said Alfred Conkling filed in this cause on the tenth day of December in the year of our Lord Eighteen hundred and twenty nine - It is ordered by the Court that the Mandamus as prayed for be and the same is hereby refused, and that the rule heretofore granted in this cause be and the same is hereby discharged -

"Jn. M'Ch. Jus. Marshall"

Ex parte
Martha Bradstreet
In the matter of James
Jackson ex dem Martha
Bradstreet vs Daniel Thomas

Mr Key of Counsel for Mr Bradstreet moved the Court for leave to withdraw from the files of this Court the Bill of Exceptions marked A. and all the Papers filed by the Defendant in this case - On consideration whereof It is ordered by the Court that the said motion be and the same is hereby granted -

"Jn. M'Ch. Jus. Marshall"

NB. In pursuance whereof the said Bill of Exceptions two affidavits and two Statements / being all the Papers mentioned in the case / were this day delivered to Mr Key by the Clerk of this Court. -

Saturday March 6th 1830 Continued.

Ex parte
Martha Bradstreet
In the matter of James Jackson ex'rix. Martha Bradstreet vs. Joseph Kirkland &c. —

Mr. Key of counsel for Mrs. Bradstreet moved the Court for leave to withdraw from the files of the Court the Bill of Exceptions marked B. and all the papers filed by the Depy of the Plaintiff in this case. On consideration whereof It is ordered by the Court, that the said motion be and the same is hereby granted. —

"Jn. Mc. Ch. Jus. Marshall"

And in pursuance whereof the said Bill of Exceptions, two affidavits and two Statements (being all the papers mentioned in the case) were this day delivered to Mr. Key by the Clerk of this Court."

Ex parte
The United States
In the matter of the United States vs. Archd. J. Bullock &c.

Mr. Attorney General moved the Court for a rule to be issued on the District Judge of the United States for the District of Georgia commanding him to be and appear before this Court to shew cause why a Mandamus should not be awarded to the said District Judge commanding him to proceed in the case of the United States vs. Archibald J. Bullock Collector &c. The consideration of which motion is ordered to be Post poned. —

"Jn. Mc. Ch. Jus. Marshall"

Saturday March 6th 1830 Continued

On motion first made to the Court in the behalf by Mr Wirt It is ordered that W. W. Fell man Esquire of the State of Pennsylvania be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.—

48. John P Wanton & wife Appts
vs
The Corporation of Washington and The United States

The argument of this cause was continued by W. Jones for the Appellees.—

Proclamation being made the Court is adjourned until Monday Morning next at eleven o'clock.—

Monday March 8th 1830.

Pursuant to adjournment the Court met this morning at the Capitol.—

Present.

The Honorable John Marshall Chief Justice.
The Hon. William Johnson, Gabriel Duvall, Joseph Story, Smith Thompson, John McLean, Henry Baldwin — Associate Justices.

Jno. Tayloe Gardner Esquire Marshall
William Thomas Carroll Clerk

Proclamation being made the Court is opened.

On motion Leigh made to the Court in this behalf by Mr. Southard. It is ordered that Alexander Wurtz, John Moore White, John I. Thelwood and James T. Nevins Esquires of the State of New Jersey be admitted to practice as attornies and Counsellors of this Court, and they were severally sworn accordingly.—

48. John P. Wanhop Lessee &c. Appellee
vs.
The Corporation of Washington and the United States.

The argument of this cause was continued by Mr. Key and White on the part of the Corporation, and by Mr. Attorney General on the part of the United States.—

Proclamation being made the Court is adjourned until tomorrow morning at eleven o'clock.—

Tuesday March 9th 1830

Pursuant to adjournment the Court met this morning at the Capitol.—

Present.

The Honorable John Marshall Chief Justice

	William Johnson	
	Gabriel Duvall	
The Hon:—	Joseph Story	Assocate Justices
	Smith Thompson	
	John McLean	
	Henry Baldwin	

Joseph Ringgold Esquire Marshal
William Thomas Carroll Clerk

Proclamation being made the Court is opened.

18	John P. Wanhes's Exrs— vs Appls. The Corporation of Washington and the United States	The argument of this cause was concluded by Mr Key for the appellants
28.	William P. Gale & others vs Elias Vaughan & others	The argument of this cause was commenced by Mr Swan for the Appellants and continued by Mr Loockwood for the appellees.—

Proclamation being made the Court is adjourned until tomorrow morning at eleven o'clock.—

Wednesday March 10th 1830.

Pursuant to adjournment the Court met this morning at the Capitol –

Present

The Honorable	John	Marshall	Chief Justice
	William	Johnson	
	Gabriel	Duvall	
The Hon.s	Joseph	Story	Assocate Justices
	Smith	Thompson	
	John	McLean	
	Henry	Baldwin	

Teuch Ringgold Esquire Marshal
William Thomas Carroll Clerk. –

Proclamation being made the Court is opened. –

	William T. Galt & others	The argument of this cause
28.	vs Appls.	was concluded by Mr.
	Elias Langham & others	Irwin for the Appellants. –

	The Propagation Society	The argument of this cause was
30.	vs pltff	commenced by Mr. Webster for
	The Town of Pawlet &	the Plaintiff and continued by
	Ozias Clark –	Mr. Berrien for the defendants.

Proclamation being made the Court is adjourned until tomorrow morning at eleven Oclock. –

Thursday March 11th 1830.

Pursuant to adjournment the Court met this morning at the Capitol.—

Present

The Honorable John Marshall Chief Justice
William Johnson
Gabriel Duvall
The Hon: Joseph Story Associate Justices
Smith Thompson
John McLean
Henry Baldwin

Enoch Ringgold Esquire Marshal
William Thomas Carroll Clerk

Proclamation being made the Court is opened.—

58. Samuel L. Harris
Marshal &c. Pltff in Error
vs
Giffin &c.
James L. Wolf &c.

On motion of Mr. Attorney General of Counsel for the Plaintiff in Error and by consent of Mr. Webster of Counsel for the defendant in Error. It is ordered that this cause be submitted to consideration of the Court without argument.— "Pr. Mr. Ch. Jus. Marshall."

59. Frances Henderson Widow &c. Pltffs in Error
vs
Ira Griffin.

In Error to the Circuit Court of the United States for the District of South Carolina.

On motion of Mr. McDuffie of Counsel for the Plaintiffs in Error, having suggested on the record that Ira Griffin the defendant in Error has died since the last continuance of this cause and

Thursday March 11th 1830 Continued.

pendency this writ of Error - It is ordered by the Court that unless the heirs and personal representatives of the said Isa Griffin shall become parties to this writ of Error within the first ten days of the next Term of this Court, the plaintiffs in Error shall be entitled to open the record and on hearing to have the decision of the said Circuit Court in this cause reversed if it be erroneous - And it is further ordered by the Court that a copy of the present order shall be printed in some news paper at the Seat of Government, in which the Laws of the United States shall be printed by authority, for three successive weeks at least sixty days before the beginning of the next ensuing Term of this Court -

64. The United States Appellants vs John Morrison & others

On motion of Mr Attorney General of Counsel for the Appellant and by consent of Mr Barbour of Counsel for the Appellees - It is ordered that this cause be submitted to the consideration of the Court upon the written arguments of Counsel -

"J. M. C. Chief Justice Marshall."

66. Levi Hollingsworth his heir vs Philip Barbour & others

This cause was argued by Mr Wickliffe on the part of the Appellees -

Thursday March 11th 1830 Continued

60.	Boyce and Henry ~ ~ Pltffs in Err vs Philip Barbour & Thos	The argument of this cause was commenced by Mr McDuffie for the Plaintiffs in Error continued by Mr Berrien for the defendant in Error and concluded by Mr McDuffie for the plaintiffs in Error.

Proclamation being made the Court is adjourned until tomorrow morning at eleven Oclock.

Friday March 12th 1830.

Pursuant to adjournment the Court met this morning at the Capitol.—

Present—

The Honorable	John	Marshall	Chief Justice
	William	Johnson	
	Gabriel	Duvall	
The Hon:	Joseph	Story	Associate Justices
	Smith	Thompson	
	John	McLean	
	Henry	Baldwin	

Jenor Ringgold Esquire Marshal
William Thomas Carroll Clerk—

Proclamation being made the Court is opened.—

Hezron Carey John Moore
and Ephraim Moore
Pffs. in Err.
v
The State of Missouri

This cause came on to be heard on the transcript of the record from the Supreme Court of the State of Missouri for the first Judicial district and was argued by counsel; On Consideration whereof, this Court is of opinion that there is error in the rendition of the Judgment of the said Court in this, that in affirming the Judgment rendered by the Circuit Court for the County of Charlton that Court has given an opinion in favor of the validity of the act of the Legislature of Missouri passed on the 27th of June 1821 entitled "An act for the establishment of Land Offices" which act is in the opinion of this Court repugnant to the Constitution of the

that the said Judgment of the said Supreme Court of the State of Missouri for the first Judicial District ought to be reversed and annulled and the same is hereby reversed and annulled, and the cause remanded to that Court with directions to enter Judgment in favor of the defendants to the original action.

"Jas. M. Ch. Jus. Marshall"

Robert P. Lewis, Henry T. Williams & Andrew Finch vs Jeffries &c. The State of Missouri

10.

This cause came on to be heard on the transcript of the record from the Supreme Court of the State of Missouri for the first Judicial district and was argued by counsel; On consideration whereof, this Court is of opinion that there is error in the rendition of the Judgment of the said Court in this that in affirming the judgment rendered by the said Circuit Court for the County of Chariton that Court has given an opinion in favor of the validity of the act of the Legislature of Missouri entitled on the 27th of June 1821 entitled "An act for the establishment of Ferry Offices" which act is in the opinion of this Court repugnant to the Constitution of the United States. Whereupon it is considered by the Court that the said Judgment of the said Supreme Court of the State of Missouri for the first Judicial District ought to be reversed and annulled, and the same is hereby reversed and annulled, and the cause remanded to that Court with directions to enter judgment in favor of the defendants to the original action. —

"Jas. M. Ch. Jus. Marshall"

Friday March 12th 1830 Continued.

11. Thomas Watson pltff in Er vs The State of Missouri

This cause came on to be heard on the transcript of the record from the Supreme Court of the State of Missouri for the First Judicial District and was argued by counsel; On consideration whereof this Court is of opinion that there is error in the rendition of the Judgment of the said Court in this, that in affirming the Judgment rendered by the Circuit Court for the County of Charlton, that Court has given an opinion in favor of the validity of the act of the Legislature of Missouri passed on the 27th of June 1821 entitled "An act for the establishment of Town Officers" which act is in the opinion of this Court repugnant to the Constitution of the United States. Whereupon it is considered by the Court that the said Judgment of the said Supreme Court of the State of Missouri for the First Judicial District ought to be reversed and annulled, and the same is hereby reversed and annulled, and the cause remanded to that Court with directions to enter Judgment in favor of the defendant in the original action.

"P. V. Ch. Jus. Marshall"

68. James Lapsley pltff in Er vs The State of Missouri

This cause came on to be heard on the transcript of the record from the Supreme Court of the State of Missouri for the Third Judicial District, and was argued by Counsel; On consideration whereof, this Court is of opinion that there is error in the rendition of the Judgment of the said Court in this that in affirming the Judgment rendered by the [illegible] Court for the County of St Louis that Court has

Friday March 12th 1830 Continued.

given an opinion in favor of the validity of the act of the Legislature of Missouri passed on the 27th of June 1821 entitled "An act for the establishment of Loan offices" which act is in the opinion of this Court repugnant to the Constitution of the United States Whereupon it is considered by the Court that the said Judgment of the said Supreme Court of the State of Missouri for the third Judicial District ought be reversed and annulled, and the same is hereby reversed and annulled, and the cause remanded to that Court with directions to enter Judgment in favor of the defendant in the original action. — "P. M. Ch. Jus Marshall"

13. The Bank of the United States vs Pltff
Solomon Ellery

Mr Wirt of counsel for the Plaintiff in this cause moved the Court for an order directed to the Clerk of this Court commanding him forthwith to issue a certificate of the order of this Court made in this cause on Saturday the Sixth day of March of the present term of this Court. On consideration whereof It is ordered by the Court that the Clerk do forthwith issue a certificate as prayed for. — "P. M. Ch. Jus Marshall"

Friday March 12th 1830 Continued.

James	Calmell		The argument of this cause
	vs	Appt	was commenced by Mr Wirt
John	Fagart	vs Thos	for the appellant and con-
			tinued by Mr Sheffey for
			the appellee. —

Proclamation being made the Court is adjourned until tomorrow morning at eleven oclock. —

Pursuant to adjournment the Court met this morning at the Capitol —

Present.

The Honorable John Marshall Chief Justice

The Hon:— William Johnson, Gabriel Duvall, Joseph Story, Smith Thompson, John McLean, Henry Baldwin — Associate Justices

Tench Ringgold Esquire Marshal

William Thomas Carroll Clerk.

Proclamation being made the Court is opened —

17. Antonio Pollard's Heirs &c Appellants vs The United States — On consideration. It is ordered by the Court that this cause be held under advisement. And it is further ordered that said cause be continued to the next term of this Court. — "Js. M. Ch. Jus. Marshall"

32. John Smith &c Appellt vs The United States — On consideration. It is ordered by the Court that this cause be held under advisement. And it is further ordered that said cause be continued to the next term of this Court. — "Js. M. Ch. Jus. Marshall"

Saturday March 13th 1830. Continued.

47. James Caldwell Appellant
vs
John Pagart & others

The argument of this cause was commenced by Mr Swift for the Appellees and concluded by Mr Wirt for the Appellant.

44. Andrew Beale Appellant
vs
George Coleman's admr

The argument of this cause was commenced by Mr Swann for the Appellant continued by Mr Key for the Appellee and concluded by Mr Jones for the Appellant.

52. The Mechanics Society Plaintiff
vs
The Town of Pawlet and Azias Clark

The argument of this cause was concluded by Mr Webster for the Plaintiff.

Dec of 1829. The Bank of the Commonwealth of Kentucky Plaintiff in Error
vs
John Wister John M. Price and Charles S. Wister

This case was an action of assumpsit originally brought in the Circuit Court of the United States for the District of Kentucky on a certificate of deposite given by the Cashier of that Bank for the sum of $ on which a judgment was rendered by that Court for the Plaintiffs below. On a writ of Error to that Court its Judgment at the last term of this Court was affirmed with costs. The mandate of this Court not having been served upon the Court below. It is therefore moved by Mr Winter of Counsel for the defendants in Error, that this Court do amend its Judgment of affirmance, as to give

Saturday March 13th 1830 Continued

of the Circuit Court from the time of issuing out said writ of Error — the consideration of which motion is ordered to be Postponed. —

"Jn. Mc. Chief Justice Marshall"

Proclamation being made the Court is adjourned until Monday morning next at eleven Oclock. —

Monday March 15th 1830.

Pursuant to adjournment the Court met this morning at the Capitol. —

Present

The Honorable John Marshall Chief Justice.
William Johnson
Gabriel Duvall
The Hon.— Joseph Story Associate Justices
Smith Thompson
John McLean
Henry Baldwin

Finch Ringgold Esquire Marshal
William Thomas Carroll Clerk —

Proclamation being made the Court is opened. —

John P. Van Ness & Wife
vs Appellts
The Corporation of Washington
and The United States —

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of Columbia holden in and for the County of Washington and was argued by Counsel, On consideration whereof, It is ordered adjudged and decreed by this Court that the decree of the said Circuit Court dismissing the Bill of the Complainants in this cause be and the same is hereby affirmed with Costs. —

"Jos. McLean Jus. Story." —

Monday March 13th 1820 Continued.

75. Daniel Stringer, Philip Stringer, Nicholas Stringer Margaret and Joseph Stringer vs Jeffers &c.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of West Virginia and was argued by Counsel On consideration whereof It is ordered and adjudged by this Court that the Judgment of the said District Court in this cause be and the same is hereby affirmed with costs.

"Jn. Mc. Ch. Jus Marshall"

138. Christian Breitkaupt & Henry Thultz Compts vs The Bank of the State of Georgia

This cause came on to be heard on the Transcript of the record from the Circuit Court of the United States for the District of Georgia and on the certificate of division of the Judges thereof. On inspection whereof this court is of opinion that the whole cause and not a point or points in the cause has been adjourned to this Court. Whereupon, It is ordered and adjudged by this Court that this cause be and the same is hereby remanded to the said Circuit Court with directions to proceed therein according to Law.

"Jn. Mc. Ch. Jus Marshall"

70	John W. Wilcox & al Pffs vs Kemp Plummer & Co Defts	The argument of this cause was commenced by Mr Wirt for the Plaintiffs continued by Mr Webster for the Defendants and concluded by Mr Wirt for the Plaintiffs.
74	Amos Binney Appellt vs The Chesapeake & Ohio Canal Company	On Motion of Mr Key of counsel for the appellant It is ordered by the Court that this cause be continued to the next Term of this Court —
78	The Columbian Insurance Company of Alexandria Pffs in Err vs Ekin and Stribling	The argument of this cause was commenced by Mr Jones for the Plaintiff in Error continued by Mr E. J. Lee for the defendants in Error and concluded by Mr Jones for the Plaintiff in Error. —
77	Mary Rockendorff Pffs in Er vs James M Taylor	The argument of this cause was commenced by Mr Jones for the Plaintiff in Error. —

Proclamation being made the Court is adjourned until to morrow Morning at eleven Oclock. —

Tuesday March 16th 1830

Pursuant to adjournment the Court met this morning at the Capitol.—

Present.

The Honorable John Marshall Chief Justice.

The Hon.— William Johnson, Gabriel Duvall, Joseph Story, Smith Thompson, John M'Lean, Henry Baldwin — Associate Justices

Tench Ringgold Esquire Marshal
William Thomas Carroll Clerk.

Proclamation being made the Court is opened —

On motion just made to the Court in this behalf by Mr Benton — It is ordered That Thomas Hamlin Esquire of the State of Maine be admitted to practice as an attorney and Counsellor of this Court, and he was accordingly —

60. Wm Boyce & Geo. Henry Surviving partners of the firm of Boyce and Henry — "vs" Phillips in Er: Timothy Edmonds

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of South Carolina and was argued by Counsel, On consideration whereof, It is ordered and adjudged by this Court that the Judgment of the said Circuit Court in this cause be and the same is hereby reversed and that

17 James Caldwell Appellant
vs
John Tagart & Elizabeth S. Tagart Mary Tagart, William Tagart and Caroline Tagart and John Tagart Jr. and Samuel H. Tagart infants by John Tagart their next friend.

This cause came on to be heard on the transcript of the record from the District Court of the United States for the District of West Virginia and was argued by Counsel On consideration whereof It is ordered and decreed by this Court that the decree of the said District Court in this cause be and the same is hereby reversed and that this cause be and the same is hereby remanded to the said District Court for further proceedings to be had therein according to law and justice. "P. V. M. Chs. Johnson"

58 Samuel L. Harris of Boston in the District of Massachusetts Esquire Marshal of said District and a citizen of the State of Massachusetts - Pltff in Er.
vs
James Wolf late of the City County and State of New York Merchant and a citizen of the said State of New York

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of Massachusetts and was argued by Counsel On consideration whereof It is ordered and adjudged by this Court that the Judgment of the said Circuit Court in this cause be and the same is hereby affirmed with costs. "P. V. M. Ch. Jus. Marshall"

William T Galt Samuel Galt Lucy Simons widow and relict of John Simons dec'd late Lucy Galt, Gabriel Galt, Alexander Galt, Patrick Galt, Richard Galt, Richard Chapman and Sally his wife late Sally Galt and Mary Galt children and heirs in Parentage of James Galt dec'd and John M. Galt infant child of John Minson Galt dec'd brother of said Samuel Galt and others and son of the said James Galt dec'd by William T Galt his next Friend. —

28 Ms Appl'ts

Elias Langham, James Galloway Jr. William Stephenson Andrew Gibson Matthew Gibson William Wilson, Thomas Baker Robert Fallenson and Joshua Collell. —

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of Ohio and was argued by Counsel, On consideration whereof, It is ordered, adjudged and decreed by this Court that the decree of the said Circuit Court in this cause be and the same is hereby affirmed so far as relief is denied by the said Court against Baker and Fallenson, who are in possession of the six hundred acres of land, and that the said decree of the said Circuit Court in this cause be and the same is hereby reversed as to the other defendants — And it is further ordered by this Court that this cause be and the same is hereby remanded to the said Circuit Court with instructions to decree that William Wilson Andrew Gibson, Matthew Gibson, and

of November in the year of our Lord Eighteen hundred and thirty (1830) execute to the Complainants jointly or severally, a release of their interest in the Premises, Provided that before that time they shall have been paid for their improvements under the Statute of Ohio. And that the said Circuit Court be and the same is hereby directed to proceed to ascertain the value of such improvements, agreeably to the above Statute - and that the said Court do and act further in the premises as to law and justice may appertain - And it is further ordered by this Court that each Party respectively in this Court pay his own costs accruing in this Court - "J. M. Lea. McLean."

64. The United States - Appl'ts
vs
John Morrison, John Roberts Robt & Ward Wm & Lane James Greer Elijah Robinson, Henry Jones George Tickler Wm Chapelow Bryant Mannion Withers & Washington & Hagen one &c Adam Lynn Joseph Jenny Fayette Johnson Richard Johnson Joseph Whelen one &c. Wm Kellog Peter Vanmeter, Jacob and James Douglass, Hazel Gordon Triplett and Neale, Lewis Hopkins William & Lane Exrs of William Norman and John Morrison surviving Exrs of John Teagarden -

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the Fifth Circuit and District of East Virginia and was argued by Counsel On consideration whereof, this Court is of opinion that the claims of the United States to the lands conveyed by the deeds of February and March Eighteen hundred and twenty three, under the lien created by those deeds

Hundred and twenty two ought to have been reversed, and that so much of the decree of the said Circuit Court as dismisses the original and amended bill of the Plaintiff so far as it claims a charge upon the property conveyed by the deed of trust of the fourteenth day of February in the year Eighteen Hundred and twenty three from John Morrison to James A. Lane and William Ward, and by the deed of the twenty first day of February in the year Eighteen hundred and twenty three from John Morrison to James W. Ford, and by the deed of the ninth day of March in the year Eighteen Hundred and twenty three from the said Morrison to Inman Horner is erroneous and ought to be reversed. — This Court doth therefore reverse the said decree as to so much thereof, and doth remand the cause to the said Court of the United States for the Fifth Circuit and District of Virginia with directions to reform the said decree so far as it is hereby declared to be erroneous and to affirm the lien of the United States on the lands in the said deed mentioned - All which is ordered and decreed accordingly. —

Jno. W. Ch. Jus. Marshall

Mary Rockenhoff &c. Pltffs in Error
vs
James M. Taylor. Deft in Error

77

The argument of this cause was continued by Mess. Parrott and Key for the defendant in Error and concluded by Mr. Jones for the Plaintiff in Error. —

Tuesday March 16th 1830 Continued.

77	John Smith T. — vs Jeffries. John W Mosey	The argument of this cause was commenced by Mr Kempstead for the Plaintiff in Error.

Proclamation being made the Court is adjourned until tomorrow morning at eleven Oclock. —

Wednesday March 17th 1830.

Pursuant to adjournment the Court met this morning at the Capitol -

Present

The Honorable John Marshall Chief Justice
William Johnson
Gabriel Duvall
The Hon - Joseph Story - Associate Justices
Smith Thompson
John McLean
Henry Baldwin

Enoch Ruggles Esquire Marshal
William Thomas Carroll Clerk.

Proclamation being made the Court is opened

44. Andrew Barkle - Appellt
vs
William D. Null, admor of George Coleman.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of Columbia holden in and for the County of Alexandria and was argued by counsel, On consideration whereof, It is ordered adjudged and decreed by this Court that the decree of the said Circuit Court in this cause be and the same is hereby affirmed with Costs -

"H. M. Jno Baldwin."

Wednesday - March 17th 1830 Continued.

77. John Smith P. — vs — Jeff'n Et. John W. Heiney —

This cause came on to be Heard on the transcript of the record from the District Court of the United States for the District of Mississippi, On inspection whereof, it appearing to this Court that the amount in controversy does not exceed the sum of Two thousand dollars, On Consideration whereof, It is ordered and adjudged by this Court that the writ of Error in this cause be and the same is hereby dismissed for want of Jurisdiction, the amount or matters in controversy not exceeding the sum or value of Two thousand dollars. —

Jn. Mc. Ch. Jus. Marshall

76. John Smith P Eff'n Et. — vs — The United States —

Mr Benton of Counsel for the Plaintiff in Error moved the Court to continue this cause to the next Term of this Court. Which motion was opposed in argument by Mr Attorney General of Counsel for the defendant in Error - On Consideration whereof, It is ordered by the Court that this cause be and the same is hereby continued to the next Term of this Court. —

Jn. Mc. Ch. Jus. Marshall

Wednesday March 17th 1830 Continued

81. Sifon of John Smith &c. vs. Fifflin &c. / John Braham &c. &c.

Mr Pitts of Counsel for the Plaintiff in Error moved the Court to continue this cause to the next term of this Court to which on the part of the defendant in Error Mr Attorney General consented — Whereupon it is ordered by this Court that this cause be and the same is hereby continued to the next term of this Court. —

"Jn. M. Ch. Jus. Marshall"

53. Bernard G Farrar and Joseph C. Brown vs. The United States

Mr Benton of Counsel for the Plaintiffs in Error in this cause moved the Court to set aside the order of dismissal made by this Court in this cause on a certain day of this term to wit On Thursday the eleventh day of February of the present term of this Court and to reinstate this cause on the Calendar of this Court, On consideration whereof It is ordered and adjudged by this Court that the said Order of dismissal entered in this cause on Thursday the eleventh day of February of the present term of this Court be set aside and that this cause be and the same is hereby reinstated on the Calendar or Docket of this Court.

"Jn. M. Ch. Jus. Marshall"

Wednesday March 17th 1830 Continued.

Bernard G. Farrar and Joseph C. Brown ... Pltffs in Er.
vs
The United States ...

53.

Mr Attorney General of the Counsel for the Defendants in this cause moved the Court to dismiss the writ of Error in this cause on the ground, that the Citation in said cause is made returnable to the first Monday of January A.D. 1828 a day during the vacation. Whereas the return day should have been the second Monday of January A.D. 1828 The consideration of which motion is ordered to be postponed. —

"P. M. Ch. Jus. Marshall"

Mr Hoffman an Attorney and Counsellor of this Court as appears from the rolls thereof, moved the Court for the admission of John L. Pillinghast Esquire as an Attorney and Counsellor of this Court. The consideration of which motion is ordered to be postponed. — "P. M. Ch. Jus. Marshall"

The Bank of the Commonwealth of Kentucky —
vs
John M. Wister & others

No 40 of 1829.

Pltffs in Er.

Mr Bell of Counsel for the defendants in Error offered the motion made by Mr Winslow in this cause on Saturday being the thirteenth day of March of the present term of this Court and prayed to shew cause why the Court should not amend the Mandate in said cause as prayed for in said Motion. The consideration of which is ordered to be postponed

"P. M. Ch. Jus. Marshall"

Wednesday March 4th 1830. Continued.

82. Daniel Pelicken George A Fick Andrew McReynolds William Mann and George Swaney Plffs in Er. vs Joha Cockey ——

The Plaintiff in Error in this cause having been three times Solemnly called by the Marshal to appear and prosecute this writ of Error to the District Court of the United States for the Western District of Pennsylvania and failing so to do, and the defendant in error in this cause having also been three times Solemnly called by the Marshal to appear and open the record and proceed ex parte and having failed so to do —

On consideration whereof, It is ordered and adjudged by this Court that the writ of error in this cause be and the same is hereby dismissed. —

Jn. M. Ch Jus Marshall

83. Alexander B. Thankland. — vs Plff in Er. The Corporation of Washgtn.

The argument of this cause was commenced by Mr. Swann for the Plaintiff in Error and continued by Mr. Jones for the defendant in Error. —

On Motion first made to the Court in this behalf by Mr. Wirt It is ordered that Robert Raymond Esquire of the State of New York be admitted to practice as an attorney and counsellor of this Court, and he was sworn accordingly. —

Proclamation being made the Court is adjourned until tomorrow morning at eleven Oclock. —

Thursday - March 18th 1830.

(Pursuant to adjournment the Court met this morning at the Capitol. -

Present

The Honorable John Marshall Chief Justice.
William Johnson
Gabriel Duvall
The Hon. - Joseph Story Associate Justices.
Smith Thompson
John McLean and
Henry Baldwin

Enoch Ringgold Esquire Marshal
William Thomas Carroll Clerk. -

(Proclamation being made the Court is opened. -

Bernard G. Farrar and
Joseph C. Brown
vs
The United States -

53. On consideration of the motion made by Mr. Attorney General on the part of the defendant in Error in this cause on Yesterday of the present term of this Court to dismiss the writ of error in this cause on the ground that the citation is made returnable to a day during the vacation, to wit: On the First Monday in January A.D. 1828, Whereas the return day should have been the Second Monday in January A.D. 1828 - It is ordered by the Court that inasmuch as the said defect is cured by the appearance of the Attorney General on the part of the defendant in Error, said Motion be and the same is hereby overruled - And it is further ordered by the Court that this cause be and the same is hereby continued to the next term

Thursday . March 18th 1830 Continued.

The Bank of the Commonwealth of Kentucky — Pl. in Err. of 1829. "B" Piff in Er. John M. Price & others

On consideration of the motion made by Mr Hinton of Counsel for the defendants in Error in this cause on a prior day of this term to wit on Saturday the thirteenth day of March of the present term of this Court to amend the Judgment of this Court rendered in this cause at the January Term of this Court in the year of our Lord Eighteen hundred and twenty nine, to wit, on the Fourteenth day of February of the said last mentioned year by giving the defendants in Error in said cause on said Judgment damages at the rate of Six (6) per centum per annum — It is ordered and adjudged by this Court that the said Judgment of this Court of February 14th A.D. 1829 be affirmed by the amendment of damages at the rate of Six per centum per annum so that the said Judgment read thus— "It is adjudged and ordered by this Court that the Judgment of the said Circuit Court in this cause be and the same is hereby affirmed with costs and damages at the rate of Six (6) per centum per annum — "Jno. Mc Ch Jas Marshall"

On Consideration of the Motion made by Mr Hoffman on yesterday of the present term of this Court It is ordered by the Court that John L. Pettinghast Esqr. of the State of New York be admitted & enrolled as an attorney and Counsellor of this Court and he was sworn accordingly —

Thursday March 18th 1830 Continued.

95. William Hunter &c. Appellt vs The United States.

Mr Attorney General of Counsel for the appellee moved the Court to continue this cause. On consideration whereof. It is ordered by the Court that this cause be and the same is hereby continued to the next term of this Court. "Jas. M. Ch. Jus. Marshall"

66. Levi Hollingsworth &c. Appellt vs Philip Barbour &c. Defts

Mr Stuffey of Counsel for the Appellant moved the Court to continue this cause. On consideration whereof. It is ordered by the Court that the said motion be and the same is hereby overruled. "Jas. M. Ch. Jus. Marshall"

101. Estate of James B. Clarke and others &c. Appellts vs John Courtney &c. Defts.

Mr Loughborough of Counsel for the Plaintiffs in Error moved the Court to continue this cause. On consideration whereof. It is ordered by the Court that this cause be and the same is hereby continued to the next term of this Court. "Jas. M. Ch. Jus. Marshall"

Ex parte. The United States in the matter of the United States vs Archibald S. Bullock &c.

On consideration of the motion made by Mr Attorney General on a prior day of this term, to wit. On Saturday the sixth day of March of the present term of this court for a rule to be served on the Defendt

Thursday March 8th 1830 Continued.

Judge of the United States for the District of Georgia requiring him to be and appear before this Court to shew cause why a Mandamus should not be awarded to the said District Judge commanding him to proceed in the case of the United States vs. Archibald T Bullock Collector &c — It is ordered and adjudged by this Court that the said Motion be and the same is hereby overruled and that the rule prayed for be and the same is hereby refused. —

"Jno. Mch. Jus. Marshall"

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83. Stephen D Thankland vs Jeff in Er. / The Corporation of Washington

The argument of this cause was commenced by W. Key for the defendant in Error and concluded by W. Wirt for the Plaintiff in Error. —

84. John B Wood use of G Curtis vs Jeff in Er. / The Corporation of Washington

On motion of W. Key and by consent of Mr. Wirt. It is ordered that the cause be submitted to the Consideration of the Court without argument. —

87. James L Cathcart Executors vs Appellees / William Robinson —

The argument of this cause was commenced by Mr. Coxe for the appellants. —

Thursday March 18th 1830 Continued

61.	Francois Lagrange vs Pierre Chouteau Jr	Mr Kane of Counsel for the defendant in Error moved the Court to dismiss the writ of error in this cause for want of Jurisdiction, which motion was opposed in argument by Mr Lawless of Counsel for the Plaintiff in Error —

"The consideration of which motion is ordered to be postponed —

Pr. M. Ch. Jno. Marshall"

Proclamation being made the Court is adjourned until tomorrow morning at eleven o'clock. —

Friday March 4th 1830.

Pursuant to adjournment the Court met this morning at the Capitol.

Present

The Honorable John Marshall Chief Justice

The Hon: William Johnson, Gabriel Duvall, Joseph Story, Smith Thompson, John M'Lean and Henry Baldwin Associate Justices

Enoch Riggold Esquire Marshal

William Thomas Carroll Clerk.

Proclamation being made the Court is opened.

78 The Columbian Insurance Company of Alexandria vs Peter Turner Ashby and Magnus J Stribling

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of Columbia holden in and for the County of Alexandria and was argued by Counsel, On consideration whereof It is ordered and adjudged by this Court that the Judgment of the said Circuit Court in this cause be and the same is hereby affirmed with costs and damages at the rate of Six p Cent per annum.

"Js M Lean Thompson"

Friday March 19th 1830 Continued.

The Society for the Propagation of the Gospel in Foreign Parts
30 vs
Cliff below

The Town of Pawlet in the County of Rutland and State of Vermont and Ozias Clarke of said Pawlet citizen of the said State of Vermont.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the district of Vermont and on the points and questions on which the Judges of the said Circuit Court were opposed in opinion and which points & questions were certified to this Court for its opinion in pursuance of the act of Congress for that purpose made and provided and was argued by Counsel On Consideration Whereof It is ordered by this Court that it be certified to the said Circuit Court on the points aforesaid that this Court is of opinion — 1st That the Plaintiffs have shown that they have a right to sell lands and especially the lands in controversy 2d That the plaintiffs are not barred by the three years limitation in the act of the 27th of October 1785 or by any other of the Statutes of Limitations of Vermont and 3d That under the laws of Vermont the plaintiffs are not entitled to recover any mesne profits unless so far as they can bring their case within the provision of the third Section of the act of Vermont of the 18th of November 1808 — All of which is accordingly Hereby certified to the said Circuit Court of the United States for the District of Vermont —

"Jos. Mr. Jus Story"

Friday - March 19th 1830 Continued.

John A. Wilcox and
Thomas Wilcox -
vs
Hugh Hill & others
Kemp Plummer's Exrs

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of North Carolina and on the Points and questions on which the Judges of the said Circuit Court were opposed in opinion and which were certified to this Court for its opinion in pursuance of the act of Congress in such case made and provided and was argued by counsel, On consideration Whereupon, It is ordered and adjudged by this Court that it be certified to the Judges of the said Circuit Court of the United States for the District of North Carolina "That on the first Count in the declaration the cause of action arose at the time when the Attorney ought to have used the means which was within a reasonable time after the note was received for collection, or at all events at the failure to collect the money from the maker. And that on the second Count this cause of action arose at the time of committing the blunder in issuing the writ in the names of wrong Plaintiffs - all of which is accordingly hereby certified to the said Circuit Court of the United States for the District of North Carolina. -

"J. M. Jus. Johnson."

Friday March 19th 1830 Continued

On motion first made to the Court in this behalf by Mr Webster It is ordered that Rufus Jarvis Esquire of the State of Massachusetts be admitted to practise as an Attorney and Counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr Benton It is ordered that Arthur D. Magenis Esquire of the State of Missouri be admitted to practise as an Attorney and Counsellor of this Court and he was sworn accordingly.

87 James L. Cathcart & others vs. Appls
William Robinson

The argument of this cause was continued by Messrs C. C. Dee and Jones for the appellee.

Proclamation being made the Court is adjourned until tomorrow morning at eleven Oclock.

Saturday March 20th 1830.

Pursuant to adjournment the Court met this morning at the Capitol.

Present.

The Honorable John Marshall Chief Justice
William Johnson
Gabriel Duvall
The Hon Joseph Story Associate Justices
Smith Thompson
John McLean
Henry Baldwin

Jesse Higgalls Esquire Marshal
William Thomas Carroll Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by W. Wickliffe It is ordered that Samuel Jackson Hays Esquire of the State of Tennessee be admitted to Practice as an attorney and Counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by M. Sheffey It is ordered that Henry S. Geyer Esquire of the State of Missouri be admitted to practice as an attorney and Counseller of this Court and he was sworn accordingly.

Saturday March 20th 1830 Continued.

87 James T Lathrop & others
vs Appls
William Robinson

The argument of this cause was continued by Mr Key for the Appellees and concluded by Mr Key for the appellants.

77 John Smith Pfeiffer &c
vs
John M Howey

Mr Magruder of Counsel for the Plaintiff in Error having read to the Court the affidavit of Arthur S. Magruder filed in this cause said affiant deposing that the sum or value of the thing in controversy exceeds the sum of Two thousand dollars exclusive of costs, moves the Court to set aside the order of dismissal entered in this cause on a prior day of this term, viz: On Wednesday the seventeenth day of March of the present term of this Court and to reinstate this cause on the Calendar of this Court for consideration of which motion is ordered to be postponed.

J. C. M. Ch. Jus. Marshall

66 Geo. Hollingsworth's Heirs
vs Appls
Philip Barbour & others

by Mr

The argument of this cause was continued by Mr Sheffey for the appellants by Mr Wickliffe for the appellees and concluded by Mr Sheffey for the appellants.

Saturday March 20th 1830. Continued.

139. Robert Smith & others vs Isham Coleman & others

Mr Wilde of counsel for the Plaintiffs in Error in this cause having filed a suggestion of diminution, suggests to the Court here a diminution in the transcript of the record certified into this court from the Circuit Court of the United States for the District of Georgia in this cause That the judgment of non-suit has not been certified with the transcript of the record by the Clerk of the said Circuit Court. By reason of which omissions and errors as aforesaid the said Counsel for the Plaintiffs in error moved the Court to award a writ of Certiorari to be directed to the Judges of the Circuit Court of the United States for the District of Georgia, commanding them that searching the records of said Court in this cause they shall certify to this Court under the seal of the said Court whatever omissions and errors shall be found, On consideration whereof, It is ordered by the Court that a writ of Certiorari be and the same is hereby awarded to be issued forthwith directed to the Judges of the Circuit Court of the United States for the District of Georgia commanding them to certify under the seal of the said Court what omissions and errors shall be found and return the same with the said writ of Certiorari to this Court at its next January Session, to wit, on the Second Monday of January in the year of our Lord one thousand eight hundred and thirty one. "Jas. M.Ch. Jus. Marshall"

Proclamation being made the Court is adjourned

Monday March 22nd 1830.

Pursuant to adjournment the Court met this morning at the Capitol.—

Present

The Honorable John Marshall Chief Justice.

The Hon — Gabriel Duvall, Joseph Story, Smith Thompson, John McLean and Henry Baldwin — Associate Justices

Jno. Ringgold Esqre Marshal
William Thomas Carroll Clerk

Proclamation being made the Court is opened.—

77 | John Smith Tyler in Er. vs John C. Mercy — | On consideration of the motion made by Mr. Magruis of counsel for the Plaintiff in Error in this cause on a prior day of this term to wit, On Saturday the twentieth day of March of the present term of this Court to restore this cause on the Calendar of this Court. It is ordered by the Court that said motion be and the same is hereby overruled. — "C. M. Ch Jus Marshall"

77 | Mary Rockendorff vs Jeffers Er. James N. Taylor — | This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of Columbia holden in and for the County of Washington and was argued by counsel. On consideration whereof

It is ordered and adjudged by this Court that the judgment of the said Circuit Court in this cause be and the same is hereby reversed and that this cause be and the same is hereby remanded to the said Circuit Court for further proceedings to be had therein according to law and justice.

"Jas. M. Sen. M'Lean."

Henry Hollingsworth, Heir of Levi Hollingsworth, deceased. — Complainant & Appellant

16. against —

Philip Barbour, William Chiles, Elizabeth Chiles Thomas Chiles John Chiles Susan Everett Richard Cox, Amelia Short, John Lindsay William Paddy, Joseph Willis John Graham, Elizabeth Smith, Thomas Barbour Smith, James Henry Smith, Abraham Smith and Sarah Smith infant heirs of Horace Smith dec'd and Peter Smoot William Peter William Short, John M'Pherson, Samuel Flournoy, Abraham Poole, and Samuel M'Murtry, William M'Murtry, Nancy M'Murtry, Lalsey M'Murtry, James M'Murtry, and James M'Murtry heirs of John M'Murty dec'd and Philip Burns, Thomas Crawford, Andrew Young, Henry Barnes, John Bowles, Joseph Williams, James Woods, Benjamin Wilkinson, John Riley, Edward Willis, John Curry, Joseph Pooling, James Pooling, Thomas Ewing, John Gill, Nathan Lawson, John M'Kinney, Wesley Pryle and Stephen Shotwell and Polly Short heirs of Isaac Short dec'd and Jacob Rumsey, Thomas Pickford and John Pogue, Polly Pogue, and [illegible]

Monday March 22nd 1830. Continued.

Thomas her infant sons of John Thomaker dec'd and Nigel McDonald and James McDonald John McDonald Griffin McDonald Mary McDonald Elizabeth McDonald and Ursula McDonald sons of Richard McDonald and one Philip Morgan James Hood, Robert Woolfork Jeremiah Russell and James Hanes.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of Kentucky and was argued by counsel, On consideration whereof, It is ordered adjudged and decreed by this Court that the decree of the said Circuit Court in this cause be and the same is hereby affirmed with costs.—

"Jo. Mc. Jus. Baldwin."

The President Directors and Company of the Providence Bank — Plffs in Er

vs

Nicholas Billings and Thomas G. Pitman ——

46.

This cause came on to be heard on the transcript of the record from the Supreme Judicial Court of the State of Rhode Island and Providence Plantations and was argued by counsel

On consideration whereof, It is ordered and adjudged by this court that the judgment of the said Supreme Judicial Court in this cause be and the same is hereby affirmed with costs —

"Jo. Mc. Ch. Jus. Marshall"

Monday March 22nd 1830 Continued.

61. François Lafrange ... vs Jeffn & Co. Pierre Chouteau Jr. ...

This cause came on to be heard on the transcript of the record from the Supreme Court of the State of Missouri for the Third Judicial District and was argued by counsel; On consideration whereof, one of the motion made by Mr Rowe of counsel for the defendant in Error in this cause on a previous day of this term, to wit, on Thursday the eighteenth day of March of the present term of this Court to dismiss this cause for want of Jurisdiction It is ordered and adjudged by this Court that the writ of error in this cause be and the same is hereby dismissed for want of Jurisdiction. — "Jno. Mc. Ch. Jus. Marshall."

83. Alexander B. Thankland ... vs Jeffn & Co. The Corporation of Washington ...

On consideration it is ordered by the Court that this cause be held under advisement and it is further ordered that said cause be continued to the next term of this Court. — Jno. Mc. Ch. Jus. Marshall"

84. John B. Wood use of G. Gunlas. vs Jeffn & Co. The Corporation of Washington

On consideration. It is ordered by the Court that this cause be held under advisement and it is further ordered that said cause be continued to the next term of this Court. — Jno. Mc. Ch. Jus Marshall."

James T Earthout & others vs. William Robinson	On consideration It is ordered by the Court that this cause be held under advisement. And it is further

87. No Appeal

ordered that said cause be continued to the next Term of this Court. — J. M. Ch. Sus. Marshall.

Rule of Court.

The Court on the second day in each term, hereafter will commence calling the cases for argument in the order in which they stand on the docket, and proceed from day to day during the Term, in the same order and if the parties or either of them shall be ready when the case is called the same will be heard, and if neither party shall be ready to proceed in the argument, the cause shall go down to the foot of the docket, unless some good and satisfactory reason to the contrary shall be shewn to the Court. That ten causes only shall be considered as liable to be called on each day during the Term, including the one under argument, if the same shall not be concluded on the preceding day. No cause shall be taken up out of its order on the docket or be set down for any particular day, except under special and peculiar circumstances to be shewn to the Court. Every cause which shall have been three times called in its order and passed and put at the foot of the docket shall if not again reached during the Term it was last called be dismissed and no longer continued on the docket. —

Proclamation being made the Court is adjourned to

August Term 1830.

At a Session of the Supreme Court of the United States begun and held at the Capitol of the United States in the City of Washington being the present seat of the National Government of the United States, on the first Monday of August being the second day of the same month, in the year of our Lord One thousand eight hundred and thirty, and of the Independence of the United States the fifty fifth. Agreeably to the Statute in such case made and provided the Hon.ble one of the Associate Justices of the said Supreme Court of the United States and resident of the Fourth Circuit in the State of Maryland was present, and the Clerk of the said Supreme Court attending. It is ordered by the said Judge that the following rules be made in the following actions, towit.

Hawkins Admr. &c. vs. Barnes	1823	John Hawkins Admr. &c. of Pfft in Er. vs. Joshua Barnes Defr.	Kentucky C. C. U. S. 1830 Aug Mandate to be continued
Wilson Claimt. of Cargo &c. vs. The United States		Allen M'Lane claimt of a moiety of the Forfeiture of the Cargo of the Ship Good Friends vs. The United States	Delaware C. C. U. S. 1830 Aug Mandate to be continued
Jones vs. Bank of Geo.	1824	John Goszler Pfft in Er. vs. The Union Bank of Geo.	Washington C. C. U. S. 1830 Aug Mandate to be continued

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August Term 1830

Wilde & Duffee 1 Berrien	1829 May 11	John A Edmonds Depositi vs Wm G Grymes & John A Beattie	Pff in Er	Georgetown D C U S 1830 Dec 11 argued. Pff's atty's suit and mandate Spunde. 1831 May ordered to be Continued
Benton 5. Bibb Lamb	1827 Dec 13	Julia Souland Executrix James G Souland Henry Souland Eliza Souland and Benj. James A Souland Heirs of Antonio Souland decd. vs The United States	Pff in Er	Missouri S C U S 1830 argued Sub. adv. vult 1831 Aug: Ordered to be Continued
Bibb 6 Bibb, Lamb	1828 Dec 17	Reuben Lamkin & Benjamin L Bibb & James Lamkin vs Joseph Hall	Pff in Er	Kentucky C C U S 1830 Feb 15 Ord'd that the Pff's rule granted thereon on 2d Monday of Dec 1831 — May 29 rule Granted 1831 Aug: Ordered to be Continued
Bibb 7 Nicholas	1829 Dec 7	John McKinney William McConnell and Roger Moss vs John Carroll	Pff in Er	Kentucky Ct of Appeals 1830 Aug: Ordered to be Continued
Jones 8. Wickliffe	1830 Dec 5	John Fisher vs James Riggins	Pff in Er	Kentucky Ct of Appeals 1830 Aug: ordered to be Continued
Jones 9 Wickliffe	1830 Dec 6	John Fisher vs William Cockerell	Pff in Er	Kentucky Ct of Appeals 1830 Aug Ordered to be Continued
Benton 10. Bibb Lamb	1830 Dec 8	John Smith Jr vs The United States	Pff in Er	Missouri S C U S 1830 argued. Sub. adv. vult 1831 Aug. Ordered to be

August Term 1830

Bales 11 Ala Jan	Dec 1	Bernard G. Farrar & Joseph B. Brown — Mo Pours — U. S. — U. S. — The United States —	
M'Laughlin 12 Cruger	Dec 30	Francis Henderson & wife — Fi Fa — Geo. Griffen —	So. Carolina — C. C. Dist — Dec. on the Demurrer — Judgt. in favour of publication vacated — Aug. cannot be continued
Fay (Wid.) 13	1829 Jan 5	Maria A. Page admx of Mann Page dec'd and Jane M. Page — v. Mann A. Page, Infant Children of the said Mann Page by the said Maria A. Page their Mother & next friends. — Fi Fa — John Floyd Exr of Edgood Hanbury surv. Partr of Capel & Edgood Hanbury Robt Fallen admr & surv. Executors of Mann dec'd John Page, Lewis Burwell admr of Robt Page and John Mann	E. Virginia. C. C. Dist. — Dec. of reversal — Aug. cannot be continued.
Haynes 14.	Jan 5	John Backhouse surv. admr de bonis &c of John Backhouse dec'd & others. (M) — Fi Fa — Robert Fallen admr de bonis &c of James Hunter dec'd & others (M)	E. Virginia. C. C. Dist. — 1830 Feb 23d Reg'd for Aff'm — 1830 Aug cannot be continued
Bell 15.	Jan 5	Wallen Brashear — Aff'd — Francis West & others —	Kentucky. C. C. Dist. — 1830 Feb 24th Aug. Sum. & Writ of Error — May 28 Writ of Error — 1830 Aug cannot be continued

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Key 16. Jones. Walsh	Jan. 13.	Thos Binney Complt & Appt vs The Chesapeake & Ohio Canal Company	Washington. C. C. U.S. 1830 Aug. ordered to be continued
Benton 17. Atto. Genl	Jan. 13	John Smith T. Peffin &c. vs The United States ———	Missouri. D. C. U.S. 1830 Aug. ordered to be continued
Key 18 Atto. Genl	Jan. 14	The Depos of John Smith T. Peffin &c. vs John Braham (R.S.)	Alabama. D. C. U.S. pl. & 1830 Aug. ordered that con. tinued. —
Swann Wirt 19. Jones Key.	Jan. 14	Alexander B. Shackleford. Peffin &c vs The Corporation of Washington	Washington C. C. U.S. 1830 Jan. argued " " adv. vult 1830 Aug. ordered to be con. tinued.
Swann 20 Jones Key.	Jan. 14	John B. Woodward of &c Charles Peffin &c. vs The Corporation of Washington	Washington. C. C. U.S. 1830 Jan. Submitted &c " " Cur. adv. vult 1830 Aug. Ordered to be continued
Coyle Key 21. C. C. Lee	Jan. 23.	James T. Chatham & Jane B. his wife John Woodside Pickard Smith, Richard Harrison, Joseph Anderson, Thomas T. Tucker, & The Hon. William H. Crawford Secretary of the Treasury - Appts vs William Robinson ———	Washington. C. C. U.S. 1830 Jan. Argued " " Cur. adv. vult. 1830 Aug. Ordered to be continued

August Term 1830.

Taylor H. Pen. 22.	1829 Dec. 23	William Yeaton Plff in Er. vs.	Alexandria D. C. U.S.
Innes.		Adam Lynn Exor of John Wilson of Thomas C. Sykes & Rebecca his wife, Dennis M. Sykes, Jeremiah H. Henry S. Coombs & Louisa his wife -	1830 Aug. Ordered to be Continued.
Taylor Swann	Jan. 23.	William Towle Surviving Partner of Lawrason & Towle and Nehemiah Carson & Hugh Smith admrs of Thomas Lawrason dec'd Appts vs.	Alexandria D. C. U.S. 1830 Aug. Ordered to be Continued
23.		Aaron K. Levering Exor of James Lawrason dec'd Garnishee below	
Key Hunt. Innes. -	Feb. 5	James Jackson of the Marble Basin Plff in Er. vs.	New York D. C. U.S.
24.		Henry Huntington -	1830 Aug. Ordered to be Continued.
25	Feb 9.	John R. Livingston Plff in Er. vs.	New Jersey D. C. U.S.
		Moses Smith -	1830 Aug. Ordered to be Continued
26. Innes. Barnell.	Feb. 12.	John W. Smith Plff in Er. vs.	Washington D. C. U.S.
		Samuel Winter & Samuel G. Bowman, Survivors of Jacob & Bowman -	1830 Aug. Ordered to be Continued.

August Term 1830

Hoyer Hoffman 37	1829 Feb 16	James Shepperd and others, ps Libellants & Petitioners - Appellees vs Samuel Taylor Dist. Recpt &c. Respdt &c. (Bk. 103)	Maryland C.C.U.S. 1830 Aug: ordered to be continued —
Dorsey 38 Cranch	Feb 21	Thomas F. Hunter & Belinda his wife ps Appellees vs The Heirs of Charles Carter	Ohio C.C.U.S 1830 Aug: ordered to be continued
Robbins 39 Key & Gantt	Feb 26	William Hunter - Appellee vs The United States -	R. Island C.C.U.S 1830 Aug: ordered to be continued
Ratcliffe 40	Mar 2.	The Heirs of Robert G. Scott deceased & his wife & James C. Madison ps Appellees vs Silas Ratcliffe & others, Appellants	Kentucky C.C.U.S. 1830 Aug: ordered to be continued. —
41 Bibb	Mar 2.	Francis West & Henry Nixon Appellees vs Walter Brashear - Complt below	Kentucky C.C.U.S Cause by Injunction dismissed by agreement of parties 1830 Aug: ordered to be continued
Ratcliffe 42.	Mar 2.	Josiah Jones & al (Ill.) Complts & Appellees vs Humphrey Marshall & al Defts	Kentucky C.C.U.S 1830 Aug: ordered to be continued. —
43.	Mar 3	James L. O'Brien - ps Appellees vs James M. Davis ———	Pennsylvania C.C.U.S (Circ.) 1830 Aug: ordered to be continued

August Term 1830.

Sprague 34 Blake Webster	1829 Dec. 5	John Whitney, Isaac Binney and John Binney - Plffs in Er. vs The Bank of the United States	Massachusetts C.C.U.S. 1830 Aug: Ordered to be Continued
Englebrecht 35. Dexter	Dec. 5	The Depos of James B Clarke et al Plffs in Er. vs John Courtney & others —	Kentucky C.C.U.S. 1830 Aug: Ordered to be Continued
36. Daniel -	Dec. 30.	Henry Millers Exrs & Emissns &c Plffs in Error vs John, Jacob & Isaac McIntyre	Kentucky C.C.U.S. 1830 Aug: Ordered to be Continued
Lane. Nat 37	July 11	Pierre Menard Plff in Er vs Aphasia a man Calls	Missouri Sup. Ct of - 1830 Aug: Ordered to be Continued
38.	July 30	The Bank of the United States - Plff in Er. vs Geo. B. Horton	Alabama C.C.U.S. 1831 1830 Aug: Ordered to be Continued
Le Roll 39. Bell. Wirt -	July 29	Luke Tiernan Exr & Wilmuth & and Charles Tiernan - Plffs in Er vs James Jackson -	Maryland C.C.U.S. 1830 Aug: Ordered to be Continued
Leighton 40	Aug 21	Cadwallader Wallace Plff in Er vs Josiah C. Parker —	Ohio - Sup. Ct. of 1830 Aug: Ordered to be Continued

August Term 1830.

Alle gen[l] 41.	Sept 21	The United States pltff in Er vs Thomas Tingey — def[t]	Washington D.C. U.S. 1830 Aug: Rules to be continued
42.	Sept 25.	Thomas Hammond's admr &c pltff vs The acting Executor of General George Washington — def[t]	Hagerstown. D. Md. 1830 Aug: Rules to be continued
43.	Nov 14.	Hugh Boyle — pltff vs James W. Zachaire and Samuel H. Turner — def[ts]	Maryland. D.C. U.S. 1830 Aug: Rules to be continued.
Alle gen[l] 44.	Nov 4	The United States pltff in Er vs Thomas Roberts — def[t]	Maryland D.C. U.S. Judicial exercise &c 1830 Aug: Rules to be continued
Assd Insurance Mayor 45. Stewart Tansey	Nov 23	The Patapsco Insurance Company pltff in Er vs John and Wright Southgate — def[ts]	Maryland. D.C. U.S. 1830 Aug: Rules to be continued
Felix 46. Alle gen[l]	Nov 25	The Exors of John Smith T. pltff in Er vs William H. Whitaker, Richard Burns & Green & Williams — def[ts]	Alabama D.C. U.S. 1830 Aug: Rules to be continued
Lindsey 47	Dec 16	John Smith T. pltff in Er vs Robert Bell — def[t]	E. Tennessee D.C. U.S. Ext of diocese &c 1830 Aug: Rules to be continued.

August Term 1830

Wirt 48. Webster	1829 Dec 28	Charles Edmonston Jeff'n & Co vs James Brake & Colin Mitchell	So Carolina Error 1830 Aug. Dismissed & to be Continued
Hoffman 49 Wirt	Dec 28.	Depos of Mordecai Levy Sol (41) Jeffs below vs Peter McCartee	New York C C U.S. Dist Jurisdiction 1830 Aug. Ordered to be Continued
Livingston 50	1830 Jan 11	Charles B Lefevre Jeff'n & Co vs The Widows and Heirs of Jean Henry Confrey	E Tennessee C C U.S 1830 Aug. Ordered to be Continued.
Ogden 51. Webster	Jan 12	Joseph Grant & Solomon Townsend Jeffs below vs Eliakim & Henry Raymond	New York C C U.S (Jeffs) Dist Jurisdiction 1830 Aug. Ordered to be Continued
Wilde 52.	Jan 14	The Depos of William Patterson Jeff'n & Co vs Elisha Winn & others (38)	Georgia C C U.S. 1830 Aug. Ordered to be Continued
Wickliffe 53.	Jan 22	William Pennell & others (41) complts & Appts vs James Elliott & others (10)	Kentucky C C U.S 1830 Aug. Ordered to be Continued
Bonham 54 Leonard Hammond	Jan 23	Stephen Simpson & others (3) Jeffs & Co vs The Depos of Thomas B Miller	Ohio C C U.S. 1830 Aug. Ordered to be Continued

August Term 1830

	1830 Aug 3	The Bank of Maryland Appellants &c	Maryland C C U S
33.		vs	1830 Aug: ordered to be
Md. Gen.		The United States &c	Continued.
Patten Sumter	Feb 1	Elisha R. Potter - Appellt	R. Island. C C U. S.
57.		vs	1830 Aug: ordered to be
Webster		Hannah B. Gardner & others	Continued.
Grundy	Feb 8	Alex Green Appellt in Er.	E. Tennessee C C U S
58.		vs	1830 Aug: ordered to be
Sanders		The Lessee of Henry Neal	Continued.
	Feb 8	John W. Hamilton and	W. Tennessee. C C U. S
		Thomas Sanders Appellants &c	
59.		vs	1830 Aug: ordered to be
		Thomas Kirkman &c	Continued.
60.	Feb 9	The Bank of the United States &c Appellt below	Ohio C C U S
		vs	Cert. of division
Talmadge		William Green & others	1830 Aug: ordered to be
			Continued.
Swann	Feb 11	John McKee assignee of Joseph	Alexandria C C U S
		Watson - - - - - Appellt &c	
61		vs	1830 Aug: ordered to be
		Thomas Hoge and Thomas	Continued.
		Hatcher Executors of Isaac	
		Nicholls &c - - - - - - - -	
	Feb 1	Hugh Boyle - Appellt &c	Maryland C C U S
56.		vs	1830 Aug. Ordered to be
			Continued.

62.	1830 Feb 13	Joseph F. Segnes Marcagne Christian & Heirs at law of Frances Marcagne dec'd & Jean B. Pellier & Pierre Segnier Appellees vs Frances Trembly, Benoni Trembly & Theresa Trembly minor Children & heirs & at law of Francois Trembly, by Benoni Trembly the elder their next friend	Marchegny Circuit Court Appeal dismissed & Continued
Vannett 63. Goldridge	Feb 20	Daniel Boardman Samuel Goode Executors &c Appellees in Eq. vs George F. McCall, Standish Forde and others (31)	Washington C. C. U. S. Appeal dismissed & Continued
64	Feb 18	John Taylor Appellee in Eq. vs Edmund Thompson	Washington C. C. U. S. 1830 Aug. Order dismissed & Continued
Mills Gant 65. Appellee	Feb 27	The United States Complts vs The State Bank of North Carolina	N. Carolina C. C. U. S Cause of demurrer 27 Aug. Order dismissed & Continued
Goldridge 66.	Mar 2	Duncan McArthur Appellee in Eq. vs Wesley S. Yates	Ohio C. C. U. S 1830 Cause submitted & ajourned Aug. Order dismissed & Continued
Wilde 67.	Mar 11	Robert Smith & others Appellees in Eq. vs Isham Coleman, Wilkinson Wilkins Archer Hewett, Mary Bryant, Job Archer, James Wilkins,	Georgia C. C. U. S 1830 Cause submitted & ajourned Aug. Order dismissed & Continued

August Term 1830.

68.	1830 Nov. 13	Joshua Scholefield & John Taylor surviving Partners of William Roafers — Plffs in Er. vs Jesse Eickelberger surviving Partner of John Clemm	Maryland C C U S 1830 Aug. Ordered to be Continued.
69.	Nov. 17	Proprietors of Charles River Bridge — Plffs in Er. vs The Proprietors of the Warren Bridge and others	Massachusetts Sup. Jud. Ct. of 1830 Aug. Ordered to be Continued
70.	Nov. 17	Jesse J. Stephen Seevers & others vs Nancy Davis & others	Kentucky C C U S 1830 Aug. Ordered to be Continued
71.	Nov. 17	Jesse J. Stephen Seevers & others vs John Cecil & Robert Smithers	Kentucky C C U S 1830 Aug. Ordered to be Continued
72.	April 10	Nathaniel Cox Nathaniel Cook and James Cook — Plffs in Er. vs The United States	E. Louisiana C C U S 1830 Aug. Ordered to be Continued
73	Nov. 30	The Mayor Aldermen & Inhabitants of New Orleans — Plffs vs The United States	E. Louisiana C C U S 1830 Aug. Ordered to be Continued

August Term 1830.

74	1830 May 27	John Wade vs John Wade and William Paul	Compl[t] & Affi[t] filed & Subpœna issued & Returned
75	May 29	Thomas Tilford vs David Wilkinson	Compl[t] & Affi[t] filed & Subpœna issued & Returned

Original Suits

Writ to Maryland		The State of New Jersey vs The People of the State of New York	Bill in Equity filed & Writ of Subpœna issued & Returned & Writ of Subpœna issued & Returned & filed with Exhibits
Jones		Jacob Francis Valette Baron de Rouenhoja Charge d'Affaires of the King of Portugal and Algarves Compl[t] vs Joachim Barroso Pereira late Consul general and late Charge d'affaires ad interim of the King of Portugal and Algarves to the United States of America	Bill in Equity 1830 May 24th Subpœna issued " " 28th Bill in open Court filed June 2d Rule to answer issued

Proclamation being made the Court is adjourned to the time and place appointed by Law.

At the Capitol of the United States in the City of Washington and District of Columbia being the Present Seat of the National Government of the United States on the Second Monday of January being the tenth day of the same month in the year of our Lord One Thousand eight Hundred and thirty One and of the Independence of the United States the Fifty Fifth. The Supreme Court of the United States met agreeably to Law. —

Present.

The Honorable	John Marshall	Chief Justice
	Gabriel Duvall	
	Joseph Story	
The Hon'ble	Smith Thompson	Associate Justices
	John McLean	
	Henry Baldwin	

Enoch Ruggles Esquire Marshal
William Thomas Carroll Clerk —

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr Webster. It is ordered that William Gordon and Warren Fuller Esquires of the State of Massachusetts be admitted to practise as attorneys and Counsellors of this Court, and they were severally sworn accordingly. —

Monday January 10th 1831 Continued

On motion first made to the Court in this behalf by Mr Borrien - It is ordered that David S. Baker Esquire of the State of Illinois be admitted to practise as an attorney and counsellor of this Court and he was sworn accordingly. -

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On motion first made to the Court in this behalf by Mr Peters - It is ordered that John Miles Esquire of the State of Pennsylvania be admitted to practise as an attorney and counsellor of this Court and he was sworn accordingly. -

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On motion first made to the Court in this behalf by Mr Jones It is ordered that W Jeff Jones Esquire of the State of Virginia be admitted to practise as an attorney and counsellor of this court and he was sworn accordingly. —

The Court proceeded to call over the Docket. -

	John Hawkins & William May ... Plffs in Error. vs Joshua Barney's Exrs —	On motion of Mr Wickliffe of counsel for the Plaintiffs in Error in this cause suggesting that an application is now pending before the Legislature of Kentucky, the being deeply interested in the decision of the case, and the principles involved therein being of general interest to the citizens of said State for the State to employ counsel - It is considered and ordered by this court that this cause be and the same is hereby postponed until the result of said
1.		

Monday — January 16th 1832. Continued —

2. Allen M'Leane Claimt &c of the Ship Good Friends. vs The United States. —

On motion of Mr Peters suggesting that Mr Lewis M'Lane should be substituted in this case as the only party in interest and that the cause should be continued to the next term of this court, the Attorney General on the part of the United States assenting thereto — It is considered and ordered by the Court that said Lewis M'Lane be and he is hereby substituted, and that this cause be and the same is hereby continued to the next term of this Court. —

3. John Gozler Pltff in Er vs The Union Bank of George Town — Defts —

On motion of the Counsel of the Plaintiff in Error suggesting that the matters in controversy in this case would probably be agreed and settled between the Parties — It is considered and ordered by the Court that this cause be and is hereby postponed.

4. John A. Elmore's Depee vs William G. Grymes Def —

On motion of Mr Wilde of counsel for the Plaintiff in Error suggesting that a Certiorari in this case had issued at a previous Term of this court to which there had as yet no return — It is considered and ordered by the court that this cause be and the same is hereby postponed. —

Monday — January 12th 1831 Continued —

7. William McKinney Vs Affft vs John Carroll —	On motion of Mr Jones of counsel for the appellants suggesting that this cause collaterally involves the same principles as those embraced in No 1. on the docket and which has this day been postponed by order of court. It is considered and ordered by the Court that this cause be and the same is hereby postponed.

8. John Fisher - Piff in Er. vs James Higgins —	On motion of Mr Jones of Counsel for the Plaintiff in Error suggesting that this cause collaterally involves the same principles as those embraced in No 1. on the Docket and which has this day been postponed by order of court. It is considered and ordered by the Court that this cause be and the same is hereby postponed. —

9. John Fisher Piff in Er. vs William Cockerell	On motion of Mr Jones of Counsel for the Plaintiff in Error suggesting that this cause collaterally involves the same principles as those embraced in No 1. on the Docket and which has this day been postponed by order of court. It is considered and ordered by the Court that this cause be and the same is hereby postponed —

Proclamation being made the Court is adjourned 'tomorrow morning at eleven Oclock. —

Tuesday January 10th 1831.

Pursuant to adjournment the Court met this morning at the Capitol

Present

The Honorable	John Marshall	Chief Justice
	William Johnson	
	Gabriel Duvall	
	Joseph Story	Associate
the Hon.	Smith Thompson	Justices.
	John McLean	
	Henry Baldwin	

Jesse Ringgold Esquire Marshal
William Thomas Carroll Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr Benton It is ordered that Amos Kane Esquire of the State of Indiana be admitted to practise as an attorney and Counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Jones It is ordered that John M. Patton Esquire of the State of Virginia be admitted to practise as an attorney and Counsellor of this Court and he was sworn accordingly.

Tuesday January 11th 1831 Continued.

5.	John Hawkins and William May Appellants / Joshua Barney's Heirs	On motion of W. Wirt Esqr of counsel for the plaintiffs in Error suggesting to the Court that he has been appointed by the House of Representatives of the United States as one of the managers to conduct on the part of the House the articles of Impeachment preferred by that House against James H Peck Esquire District Judge of the United States for the District of Missouri, before the Senate of the United States now sitting as a court of Impeachments and that the said Court of Impeachments is now engaged in the investigation of said articles of Impeachment - Whereupon, It is considered and ordered by the Court that this cause be and the same is hereby postponed for the present. -
6.	Townsend & Peyton Vat / Appellants / Joseph Steth	Mr Taylor of counsel for the Appellants having returned and filed in the office of the Clerk of this Court, a copy of the rule granted in this cause by this court on the twelfth day of February in the year of our Lord Eighteen Hundred and thirty On the motion of Mr Bibb of counsel for the Appellees in this cause, to be served on the appellants in this appeal or their counsel commanding them to appear either in person or by counsel before this court at its next January Session holden, or the second Monday in January in the year of our

Tuesday January 11th 1831 Continued. —

Lad Eighteen Hundred and Thirty one then and there to shew cause if any they have why this appeal from the Circuit Court of the United States for the Kentucky District should not be dismissed for want of jurisdiction it not appearing from the face of the transcript of the record that the sum or matters in controversy exceed the sum or value of Two thousand dollars" and having acknowledged service thereof as counsel for the appellants, and having also filed the affidavits of Thomas Ball, Robt Morrow and Richard Colover, taken and certified in due form of law and in pursuance of said rule so granted as above, the appellee having also filed the affidavits of Rhodens Green and David Legate also taken and certified in due form of law in pursuance of the above recited rule, Proceeded to argue the motion — On consideration whereof and of the premises the Court considering that it has jurisdiction in this cause the matters in controversy exceeding the sum of Two thousand dollars It is ordered by the Court that the rule so heretofore granted in this cause be and the same is hereby discharged and that this cause be set for argument. —

Tuesday January 11th 1831 Continued —

John Gossler plff in Er. vs The Union Bank of George Town —	On motion of W. Key of counsel for the defendant in Error, It is ordered by the Court that the continuance entered in this cause yesterday be and the same is hereby set aside and that this cause be set for argument. —

Townsend & Peglow vol Appellants vs Joseph Peck —	On motion of M. Bibb of Counsel for the appellee suggesting to the Court that he is a member of the Senate of the United States now sitting as a court of Impeachments for the trial of James H. Peck Esquire District Judge of the United States for the District of Missouri on articles of Impeachment preferred against him by the House of Representatives of the United States It is ordered by the Court that this cause be and the same is hereby postponed for the present —

John Gossler plff in Er. vs The Union Bank of George Town —	This cause having been called for argument and the counsel for neither the plaintiff in Error nor defendant in Error being ready to proceed in the argument. It is ordered by the Court that this cause be postponed and put at the foot of the docket in conformity to rule No 35 made at the January Term 1830 of this Court —

Tuesday January 11th 1831 Continued.

7. John McKinney Ad. Appts vs John Carroll

On motion of M. Wickliffe of counsel for the Appellee suggesting to the Court that he has been appointed by the House of Representatives of the United States as one of the managers to conduct on the part of the House the articles of impeachment preferred by that House against James H. Peck Esquire District Judge of the United States for the District of Missouri before the Senate of the United States now sitting as a Court of Impeachments, and that the said Court of Impeachments is now engaged in the investigation of said articles of Impeachment - Whereupon It is considered and ordered by the Court that this cause be and the same is hereby postponed for the present. -

8. John Fisher Appellant &c vs James Higgins

On motion of M. Wickliffe of counsel for the Defendant in Error suggesting to the Court that he has been appointed by the House of representatives of the United States as one of the managers to conduct on the part of the House the articles of Impeachment preferred by that House against James H. Peck Esquire District Judge of the United States for the District of Missouri before the Senate of the United States now sitting as a Court of Impeachments, and that the said Court of

Tuesday January 11th 1831 Continued

9. John Fisher pff in E. vs William Cockerell. — On motion of Mr. Wickliffe of counsel for the defendant in error suggesting to the court that he has been appointed by the House of Representatives of the United States as one of the Managers to conduct on the part of the House the articles of impeachment preferred by that house against James H. Peck Esquire District Judge of the United States for the District of Missouri before the Senate of the United States now sitting as a court of Impeachments, and that the said Court of Impeachments is now engaged in the investigation of said articles of Impeachment— Wherefore It is considered and ordered by the court that this cause be and the same is hereby postponed for the present. —

18. Lessee of John Smith T. vs Jeffries E. John Braham, M.S.) On motion of Mr. Attorney General of counsel for the defendant in error and by consent of W. Kelly of counsel for the plaintiff in error— It is ordered and adjudged by this court that the writ of error in this cause to the District Court of the United States for the Northern District of Alabama be and the same is hereby dismissed.

"Js. M. Chief Jus. Marshall"

Tuesday January 11th 1831 Continued

46.	Lipsy of John Smith X. vs Plff in Er. William H Whitaker, Richard Burrus and Gideon G. Williams	On motion of Mr. Attorney General of counsel for the defendants in Error and by consent of Mr. Kelly of counsel for the Plaintiff in Error. It is ordered and adjudged by this court that the writ of error in this case to the District Court of the United States for the Southern District of Alabama be and the same is hereby dismissed. "P. Mr. Ch. Jus. Marshall"
22.	William Yeaton Plff in Er vs John Weir's Exr de	The argument of this cause was commenced by Mr. E. J. Lee for the Plff in Error continued by Mr. Jones for the defendants in Error and concluded by Mr. Lee for the Plaintiff in Error

Proclamation being made the Court is adjourned until to morrow morning at 11 O'clock

Wednesday January 12th 1831.

Pursuant to adjournment the Court met this morning at the Capitol —

Present

The Honourable John Marshall Chief Justice.

The Hon'ble
- William Johnson
- Gabriel Duvall
- Joseph Story
- Smith Thompson
- John McLean
- Henry Baldwin

} Associate Justices

Tench Ringgold Esquire Marshal
William Thomas Carroll Clerk

Proclamation being made the Court is opened.

On motion Tish made to the Court in this behalf by Mr Bibb. It is ordered that James Clark Esquire of the State of Kentucky be admitted to practice as an attorney and Counsellor of this court and he was sworn accordingly —

6. Townsend & Peyton Vat vs Joseph Stith — On motion of Mr Bibb of counsel for the appellee in this cause suggesting that he desires to be heard on the motion made by him in this cause at the last term of this court for a rule on the appellants to show cause why this cause should not be dismissed for want of jurisdiction on the ground that the matters in controversy do not exceed the sum

Wednesday January 12th 1831. Continued

of Two Thousand dollars - It is considered and ordered by the Court that the order made in this cause yesterday discharging the said rule be and the same is hereby set aside and that he have leave to argue said rule. -

	Bernard G. Farrar dal vs Pltff in Er. The United States	The argument of this cause was commenced by Mr Benton for the Plaintiff in Error and continued by Mr Attorney General for the Defendant in Error. -

Proclamation being made the Court is adjourned until tomorrow morning at eleven Oclock. -

Thursday January 13th 1831.

Pursuant to adjournment the Court met this morning at the Capitol.—

Present

The Honorable John Marshall Chief Justice

	William Johnson	
	Gabriel Duvall	
The Honble:	Joseph Story	Associate Justices.
	Smith Thompson	
	John McLean	
	Henry Baldwin	

Enoch Ringgold Esquire Marshal
William Thomas Carroll Clerk

Proclamation being made the Court is opened.—

11. Bernard G. Farrar Def't in Error vs. Jeffords. The United States — The argument of this cause was concluded by Mr Geyer for the Plaintiffs in Error.—

17. John Smith P. in Error vs. The United States. The argument of this cause was commenced by Mr Benton for the Plaintiff in Error continued by Mr Attorney General for the defendant in error and concluded by Mr Benton for the Plaintiff in Error.—

28	Williams Fowle Surv. Genl. &c. & al. "vs" James Jamieson's Exrs	The argument of this cause was commenced by Mr. Taylor for the Appellants and continued by Mr. Swann for the Appellees. —

Proclamation being made the Court is adjourned until tomorrow morning at eleven Oclock. —

Friday January 14th 1831.

Pursuant to adjournment the court met this morning at the Capitol. —

Present

The Honorable John Marshall Chief Justice
William Johnson
Gabriel Duvall
The Hon Joseph Story Associate
Smith Thompson Justices. —
John McLean
Henry Baldwin

Tench Ringgold Esquire Marshal
William Thomas Carroll Clerk —

Proclamation being made the Court is opened. —

On motion first made to the Court in this behalf by Mr Peters. It is ordered that George Evans Esquire of the State of Maine be admitted to practise as an attorney and counsellor of this Court and he was sworn accordingly. —

William Fowle
Jury Pratt &c Pl
vs
23 Aff'ts
James Lawrason Esq

The argument of this cause was concluded by Mr Jones for the appellants. —

Friday January 14th 1831 Continued

14.	John Backhouse admr &c pltffs vs James Hunter admr &c	The argument of this cause was commenced by Mr Haynes for the Plaintiffs, continued by Mr Patton for the defendants and concluded by Mr Haynes for the Plaintiffs. —

26.	John W. Sinnitar pltff in Er. vs Samuel G. Winter & J. G. Bowman defts in Er.	The argument of this cause was commenced by Mr Gage for the plaintiffs in Error continued by Mr Jones for the defendants in Error and concluded by Mr Gage for the Plaintiff in Error —

Proclamation being made the Court is adjourned until tomorrow morning at eleven O'clock. —

Saturday January 15th 1831.

Pursuant to adjournment the Court met this morning at the Capitol. —

Present

The Honorable John Marshall Chief Justice

The Hon.ble: William Johnson, Gabriel Duvall, Joseph Story, Smith Thompson, John McLean & Henry Baldwin — Associate Justices. —

Tench Ringgold Esquire Marshal.
William Thomas Carroll Clerk. —

Proclamation being made the Court is opened. —

25. John R. Livingston vs Jeffries & Moses Smith

The argument of this cause was commenced by Mr Talmadge for the Plaintiff in Error, continued by Mr Hoyt for the defendant in Error and concluded by Mr Talmadge for the Plaintiff in Error. —

28 Thomas F Hunt devisee vs Jeffries & The Heirs of Charles Fallen

On motion of Mr Woodbridge of counsel for the Plaintiffs in Error. It is ordered that this cause be submitted to the consideration of the Court on the record without argument. —

Proclamation being made the Court is adjourned

Monday January 17th 1831

Pursuant to adjournment the Court met this morning at the Capitole. —

Present

The Honorable John Marshall Chief Justice

The Hon'ble | William Johnson, Gabriel Duvall, Joseph Story, Smith Thompson, John McLean & Henry Baldwin | Associate Justices. —

Issac Ringgold Esqre Marshal
William Thomas Carroll Clerk. —

Proclamation being made the Court is opened

On motion just made to the Court in this behalf by Mr White. It is ordered that John A. McKinney Esquire of the State of Tennessee be admitted to practise as an Attorney and Counsellor of this Court and he was sworn accordingly. —

29 William Hunter Appellant | The argument of this
vs | cause was commenced
The United States — | by Mr Hunter for the
Appellant and con-
tinued by Mr Atty General for the Appellee. —

Proclamation being made the Court is adjourned until tomorrow morning at eleven. —

Tuesday January 18th 1831.

Pursuant to adjournment the Court met this morning at the Capitol -

Present -

The Honorable	John Marshall	Chief Justice
The Honble.	William Johnson Gabriel Duvall Joseph Story Smith Thompson John McLean Henry Baldwin	Associate Justices

Tench Ringgold Esquire Marshal
William Thomas Carroll Clerk

Proclamation being made the Court is opened -

29.	William Hunter - Appt vs The United States -	The argument of this cause was concluded by Mr Hunter for the appellant -

33.	James O'Brien Affia &c vs James H. Davis -	This cause having been called for argument and the counsel for neither the Plaintiff in Error nor defendant in Error being ready & proceed in the argument - It is ordered by the Court that this cause be postponed and put at the foot of the docket in conformity to rule No. 36 made at the January Term A.D. 1830 of this Court. -

Tuesday January 18th 1831 Continued.

41.	The United States for the Use of Thomas Tingey vs.	The argument of this cause was commenced by Mr. Semmes for the Plaintiff in Error and continued by Mr. Coyle and Jones for the Defendant in Error.

Proclamation being made the Court is adjourned until tomorrow morning at eleven Oclock.

Wednesday January 19th 1831.

Pursuant to adjournment the Court met this morning at the Capitol.

Present

The Honorable John Marshall Chief Justice

	William Johnson	
	Gabriel Duvall	
The Honble	Joseph Story	Assocate Justices
	Smith Thompson	
	John McLean	
	Henry Baldwin	

Enoch Ringgold Esqure Marshal

William Thomas Carroll Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Webster. It is ordered that Bellamy Storer Esqure of the State of Ohio be admitted to practise as an attorney and Counsellor of this Court and he was sworn accordingly. —

17. John Smith T. pitts v. The United States

This cause came on to be heard on the transcript of the record from the District Court of the United States for the District of Missouri and was argued by counsel; On consideration whereof It is ordered and adjudged by this Court that the Judgment of the said District Court in this cause be and the same is hereby reversed and that this cause be and the same

Wednesday January 19th 1831 Continued.

is hereby remanded to the said District Court for further proceedings to be had therein as to law and justice may appertain and in conformity to the opinion of this Court.—

"Jos. McKinley Jno. McLean"

41.	The United States - Plff in Er: vs Thomas Pingry	The argument of this cause was continued by Mr Jones for the defendant in Error and concluded by Mr Attorney General for the Plaintiff in Error.—

Proclamation being made the Court is adjourned until tomorrow morning at eleven Oclock.—

Thursday January 20th 1831.

(Pursuant to adjournment the Court met this morning) at the Capitole.—

Present.

The Honorable	John Marshall	Chief Justice.
	William Johnson	
	Gabriel Duvall	
The Honble.	Joseph Story	Associate Justices.
	Smith Thompson	
	John McLean	
	Henry Baldwin	

Tench Ringgold Esqre Marshal
William Thomas Carroll Clerk

Proclamation being made the Court is opened.—

40.	Cadwallader Wallace Plff in Er. vs Josiah C. Parker —	On motion of Mr Creighton of counsel for the Plaintiff in Error suggesting to the Court that the counsel for the defendant in Error is not present. It is considered and ordered by the Court that this cause be and the same is hereby postponed and that the same be and hereby is placed at the foot of the Docket.—

	Thomas Hammonds Admr &c Appellt vs George Washington Exr &c	On motion of Mr Jones of counsel for the Appellees. It is considered and ordered by the Court that this cause be and the same is hereby postponed and that the same be and hereby is placed at the foot of the Docket.—

Thursday January 20th 1831 Continued.

113.	Hugh Boyle Appl't vs James A. Zacharie Def't	On motion of Mr Ellis of Counsel for the Appellant suggesting to the Court that certain articles of Impeachment preferred by the House of Representatives of the United States against James H. Peck Esquire District Judge of the United States for the Missouri District before the Senate of the United States now sitting as a court of Impeachments, and that the said court of Impeachments is now engaged in the investigation of said articles of Impeachment he is of Counsel for the said James H Peck Esquire District Judge as aforesaid and respondent - Whereupon It is considered and ordered by the Court that this cause be and the same is hereby postponed for the present -

114.	The United States - vs Plff Thomas Robertson	On motion of Mr Attorney General of Counsel for the Plaintiff, suggesting to the Court that the Counsel for the defendant is at present engaged in a Jury cause in the County Court of Baltimore, which Gentlemen he expects to finish time enough to permit him to be here on Monday next - It is considered and ordered by the Court that this cause be and the same is hereby postponed for the present -

Thursday January 20th 1831 Continued.

45. Patapsco Ins.ce Company vs Pltff in Er. John & Wright Southgate

On motion of Mr Wirt of counsel for the Plaintiff in Error suggesting to the Court that on certain articles of Impeachment preferred by the House of Representatives of the United States against James H. Peck Esquire District Judge of the United States for the Missouri District before the Senate of the United States now sitting as a court of Impeachments which is now engaged in the investigation of said articles of Impeachment, he is of counsel for the said James H. Peck Esquire District Judge so aforesaid and Respondent. — Whereupon it is considered and ordered by the Court that this cause be and the same is hereby Postponed for the present. —

47. John Smith Pltff in Er. vs Robert Bell

On motion of Mr Gwinn of counsel for the Plaintiff suggesting to the Court that he is a member of the Senate of the United States now sitting as a court of Impeachments for the trial of James H. Peck Esquire District Judge of the United States for the District of Missouri on Articles of Impeachment preferred against him by the House of Representatives of the United States. It is ordered by the Court that this cause be and the same is hereby Postponed for the present. —

Thursday January 20th 1831 Continued

48.	Charles Edmonston vs Joseph Duval & James Duval	On motion of Mr. Wirt of Counsel for the Plaintiff in Error suggesting to the Court that on certain articles of Impeachment preferred by the House of Representatives of the United States against James H. Peck Esquire District Judge of the United States for the Missouri District before the Senate of the United States now sitting as a Court of Impeachments, and that the said Court of Impeachments is now engaged in the investigation of said articles of Impeachment he is of Counsel for the said James H. Peck Esquire District Judge as aforesaid and respondent. Whereupon it is considered and ordered by the Court that this cause be and the same is hereby Continued for the present.
49	Josiah Mordecai Indorsee vs Peter McCarter	On motion of Mr. Wirt of Counsel for the defendant suggesting to the Court that on certain articles of Impeachment preferred by the House of Representatives of the United States against James H. Peck Esquire District Judge of the United States for the Missouri District before the Senate of the United States now sitting as a court of Impeachments and that the said Court of Impeachments is now engaged in the investigation of said articles of Impeachment, he is of Counsel for the said James H. Peck Esquire District Judge as aforesaid and respondent. Whereupon it is considered and ordered by the Court that this cause be and the same is hereby

Thursday January 30th 1831 Continued

	Charles B. Dufau vs Jean H. Couprys Heirs	On motion of Mr Livingston of counsel for the plaintiff in Error suggesting to the Court that he is a member of the

Senate of the United States now sitting as a court of Impeachments for the trial of James H. Peck Esquire Judge of the United States for the Missouri District on articles of Impeachment preferred against him by the House of Representatives of the United States - It is ordered by the Court that this cause be and the same is hereby postponed for the present. —

51.	Joseph Grant Jun vs E & H Raymond	On motion of Mr Webster of Counsel for the defendants suggesting to the Court that he is a member of the

Senate of the United States now sitting as a court of Impeachments for the trial of James H. Peck Esquire District Judge of the United States for the Missouri District on articles of Impeachment preferred against him by the House of Representatives of the United States - It is ordered by the Court that this cause be and the same is hereby postponed for the present -

32.	Exrs of William Patterson vs Elisha Aspinwall	This cause was argued by Mr Wilde for the Plaintiff in Error. —

Thursday January 2d 1834 Continued

Stephen Lindsay &c 34 vs Plffs in Er. Lessee of Thos B. Miller	On motion of Mr Barbour of Counsel for the Plaintiffs in Error suggesting to the Court that the Counsel for the Defendant in Error is not present. It is considered and ordered by the Court that this cause be and the same is hereby Postponed and that the same be and hereby is placed at the foot of the Docket. —

Proclamation being made, the Court is adjourned until tomorrow morning at eleven o'clock —

Friday January 21st 1831.

Pursuant to adjournment the Court met this morning at the Capitol. —

Present.

The Honorable John Marshall Chief Justice

The Hon'ble | William Johnson | Gabriel Duvall | Joseph Story | Smith Thompson | John McLean | Henry Baldwin | Assoc. Justices.

Tench Ringgold Esquire Marshal

William Thomas Carroll Clerk

Proclamation being made the Court is opened. —

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19 | Alexander B. Thankland vs Plff in Er. The Corporation of Washington | This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of Columbia holden in and for the County of Washington and was argued by counsel. On consideration whereof It is considered, ordered and adjudged by this Court that the Judgment of the said Circuit Court in this cause be and the same is hereby affirmed with cost. — "Pr. M. Jus: Story"

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20. | John B. Woodward & Charles Stiff in Er. vs The Corporation of Washington | The cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of Columbia

Holden in and for the County of Washington and was argued by Counsel, On consideration whereof, It is considered, ordered and adjudged by this Court that the Judgment of the said Court that the Judgment of the said Circuit Court in this cause be and the same is hereby affirmed with costs— "P.V. M.C. Jus: Story"

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22 William Yeaton Plff in Er.
vs
Adam Tyson Exr of John Irwin use of Thomas B. Sykes and Rebecca his wife, Thomas M. Sykes and Henry S Coombs and Louisa his wife

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of Columbia holden in and for the County of Alexandria and was argued by Counsel, It is considered, ordered and adjudged by this Court that the Judgment of the said Circuit Court in this cause be and the same is hereby affirmed with costs and damages at the rate of six per centum per annum. —

"P.V. M.C. Ch. Jus. Marshall"

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64 John Taylor - Plff in Er.
vs
Edward Thomson

The argument of this cause was commenced by Mr. Jones for the Plaintiff in Error continued by Mr. Swann and Key for the defendant in Error and concluded by Mr. Jones for the Plaintiff in Error.

Friday January 21st 1831 Continued.

John McIver Executor of Joseph Watson Deceased Plff in Error
vs
Thomas Hoge and Thomas Hatcher Exrs of Isaac Nicholls Dec'd

On motion of Mr Swann of counsel for the Plaintiff in Error suggesting to the Court that John McIver the Plaintiff in Error has departed this life, and praying that his representatives may be permitted to appear and prosecute this writ of error to the Circuit Court of the United States for the District of Columbia holden in and for the County of Alexandria -

It is considered and ordered by this court that the representatives of John McIver have leave to appear and prosecute this writ of error - And it is further ordered by the Court that this cause be and the same is hereby continued to the next term of this court. -

Proclamation being made the Court is adjourned until tomorrow morning at eleven Oclock. -

Saturday January 22nd 1831

Pursuant to adjournment the Court met this morning at the Capitol.—

Present—

The Honorable John Marshall Chief Justice

	William Johnson	
	Gabriel Duvall	
The Hon'ble	Joseph Story	Assoc'te Justices
	Smith Thompson	
	John McLean	
	Henry Baldwin	

Tench Ringgold Esquire Marshal

William Thomas Carroll Clerk.—

Proclamation being made the Court is opened.

	Thomas F. Hunter & Belinda his wife	This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of Ohio
25.	vs Jeffries	
	The Lessee of Charles Wallen	

and was argued by counsel, On consideration whereof It is considered ordered and adjudged by this Court that the Judgment of the said Circuit Court in this cause be and the same is hereby affirmed with costs.—

"J. M. Jno. Baldwin"

Saturday January 22nd 1831. Continued.

	John R. Livingston	This cause came on to be heard on
25	vs	the transcript of the record from
	Moses Smith.	the Circuit Court of the United
		States for the District of New

Jersey and was argued by counsel, On consideration
It is considered, ordered and adjudged by this Court
that the Judgment of the said Circuit Court in
this cause be and the same is hereby affirmed with
costs. —

"Ps. M. Jus: Johnson"

	William Fowle surv[g] part.	This cause came on to be
	of Dawson & Fowle and	heard on the transcript of
	Nehemiah Carson and	the record from the Circuit
	Hugh Smith admrs of	Court of the United States
	Thomas Dawson dec[d]	for the District of Columbia
23.	vs Appellt	holden in and for the County
	Aaron K Fowler Exr of	of Alexandria and was
	James Dawson dec[d]	argued by counsel; On

consideration whereof
It is considered, ordered and decreed by this Court
that the decree of the said Circuit Court in this
cause be and the same is hereby reversed and
that this cause be and the same is hereby remand-
ed to the said Circuit Court with directions to
dismiss the Bill the Court having no jurisdiction.

"Ps. M[r] Ch. Jus. Marshall"

	John A. Elmore & Jos[e]	This cause came on to be
4.	vs	heard on the transcript of the
	William G. Grymes &	record from the Circuit Court
	John J. Beatty	of the United States for the

Saturday January 22nd 1831 Continued.

District of Georgia, and on motion of Mr Wilde of Counsel for the Plaintiff in Error and by consent of Mr Berrien of Counsel for the defendants in Error - It is ordered and adjudged by this court that this cause be and the same is hereby dismissed.

"Jn. Mch. Chs: Marshall"

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9. John Fisher - Plff in Er.
vs
William Cockrell

Mr Cambreleng of Counsel for the defendant in Error moved the Court to dismiss the writ of Error in this cause for the want of Jurisdiction and argued said motion; Whereupon it is ordered by the Court that the consideration of said motion be and the same is hereby postponed. -

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8. John Fisher - Plff in Er.
vs
James Higgins -

Mr Cambreleng of Counsel for the defendant in Error moved the Court to dismiss the writ of error in this cause for the want of Jurisdiction, and argued said motion; Whereupon it is ordered by the Court that the consideration of said motion be and the same is hereby postponed. -

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Proclamation being made the Court is adjourned until Monday Morning at eleven Oclock. -

Monday January 24th 1831.

Pursuant to Adjournment the Court met this morning at the Capitol.

Present

The Honorable	John Marshall	Chief Justice
	William Johnson	
	Gabriel Duvall	
	Joseph Story	
The Honble	Smith Thompson	Associate Justices
	John McLean	
	Henry Baldwin	

Enoch Ringgold Esquire Marshal
William Thomas Carroll Clerk

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr Webster It is ordered that Samuel C Bingham Esquire of the State of Rhode Island be admitted to practise as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr Ogden It is ordered that Daniel Graham Esquire of the State of New York be admitted to practise as an attorney and counsellor of this Court and he was sworn accordingly.

Monday January 24th 1831 Continued

8.	John Fisher Plff in Er vs James Wiggins —	On motion of Mr Lowe of counsel for the Plaintiff in Error It is ordered and ordered by this Court that he have leave on next Saturday the 29th instant to reply to the argument of Mr Wickliffe on the motion made by him on Saturday last the 22d instant to dismiss this cause for the want of jurisdiction. —
9.	John Fisher Plff in Er vs William Cockerell	On motion of Mr Lowe of counsel for the Plaintiff in Error; It is ordered and ordered by this Court that he have leave on next Saturday the 29th instant to reply to the argument of Mr Wickliffe on the motion made by him on Saturday last the 22d instant to dismiss this cause for the want of jurisdiction. —
80.	The Union Bank of Georgetown Plff in Er vs Edmund Forrest's admr	The argument of this cause was commenced by Mr Swann for the Appellant continued by Mr Key and Jones for the Appellee and concluded by Mr Swann for the Appellant —

Proclamation being made the Court is adjourned until tomorrow morning at eleven o'clock —

Tuesday January 25th 1831.

Pursuant to adjournment the Court met this morning at the Capitol.

Present

The Honble John Marshall Chief Justice.

The Honble | William Johnson, Gabriel Duvall, Joseph Story, Smith Thompson, John McLean, Henry Baldwin | Associate Justices.

Tench Ringgold Esqre Marshall
William Thomas Carroll Clerk.

Proclamation being made the Court is opened.

26. John W Simonton vs Jeffn Et. Samuel Winter and Samuel G. Bowman Survivors of Joshua Bowman dec.d

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of Columbia holden in and for the County of Washington and was argued by counsel, On consideration whereof, It is considered ordered and adjudged by this Court that the Judgment of the said Circuit Court in this cause be and the same is hereby reversed and that this cause be and the same is hereby remanded to the said Circuit Court with directions to award a venire facias de novo. — "J.M. C.J. Thompson"

Tuesday January 25th 1831 Continued.—

30	Charles B. Lafaun vs Isaac H Confrys heirs	The cause was argued by Mr Livingston for the Plaintiff in Error

82	Alexander M. Pelly et al vs Joseph S. Clarke	The argument of the cause was commenced by Mr Key for the Plaintiffs in Error continued by Mr Jones for the defendant in Error and concluded by Mr. Key for the Plaintiffs in Error.—

Proclamation being made the Court is adjourned until tomorrow morning at eleven Oclock.—

Wednesday January 26th 1831.

Pursuant to adjournment the Court met this morning at the Capitol.

Present

The Honorable John Marshall Chief Justice

The Hon'ble	William Johnson Gabriel Duvall Joseph Story Smith Thompson John McLean Henry Baldwin	Associate Justices

Jno. Ringgold Esquire Marshal
William Thomas Carroll Clerk.

Proclamation being made the Court is opened.

John Backhouse surviving administrator de bonis non of John Backhouse deceased, James Hunter and Martha Hunter and James Hunter and John M. Garnett, Executors of Musgrove G. Hunter of Thomas R. Rootes deceased, Archibald Hunter and Adam Hunter, Geo. W. Spotswood and William F. Spotswood Executors of Alexander Spotswood and Margaret Jones Executrix of Gabriel Jones who was Executor of Thomas Lord Fairfax. — Complainants below.

14. against

Robt. Pollen administrator de bonis non cum testamento annexo of James Hunter deceased, Joseph Emmerson administrator of Adam Hunter deceased, James Hunter son of John Hunter deceased who

mas Fair of Adam Hunter, Robert Dunbar the said Robert Dunbar administrator of Alexander Voss, John Strode, Robert Randolph Grants of Wm Wilson Pittsburgh deceased, Hugh Mercer and Robert Hennig. Defendants.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the Eastern District of Virginia, and on the questions and points on which the Judges of the said Circuit Court were opposed in opinion and which were certified to this Court for its opinion in pursuance of the act of Congress for that purpose made and provided, and was argued by counsel; On consideration whereof, It is the opinion of this Court that the Payment of Twenty three thousand, three hundred and twenty two dollars and fifty six cents ($23.322.56) should be deducted ratably from each of the funds, in the hands of Patton, at the time the decree of the twelfth day of June in the year of our Lord one thousand eight hundred and twenty was made — Whereupon it is ordered and decreed by this Court to be certified to the Judges of the said Circuit Court for the Eastern District of Virginia that the Payment of Twenty three thousand, three hundred and twenty two dollars and fifty six cents ($23.322.56) should be deducted ratably from each of the funds in the hands of Patton at the time the decree of

Wednesday January 26th 1831 Continued.

Said Ord. Thousand eight Hundred and twenty
was made. — Jno. W. Jas. McLean

The Circuit Court of Washington Jefferson — vs Jonah Ringgold Marshalve	The argument of this cause was commenced by M. Key For the Plaintiff in Error and continued by M. Swann For the defendant in Error. —
84.	

James Greenleaf Depue vs Jefferson &c. James Birch —	The argument of this cause was commenced by M. Coxe For the Plaintiff in Error and continued by M. Key For the defendant in Error.
76.	

Proclamation being made the Court is adjourned
until tomorrow morning at eleven O'clock —

Thursday January 27th 1831.

Pursuant to adjournment the Court met this morning at the Capitol.

Present

The Honorable John Marshall Chief Justice

	William Johnson	
	Gabriel Duvall	
The Honble	Joseph Story	Associate Justices
	Smith Thompson	
	John McLean	
	Henry Baldwin	

Tench Ringgold Esqre Marshal

William Thomas Carroll Clerk

Proclamation being made the Court is opened.

James Gourley's Lessee		The argument of this cause
vs.		was continued by Mr Swann
James Birth		for the defendant in Error
		and concluded by Mr
		Jones for the Plaintiff in Error.

6.

Townsend & Peyton & al		The argument of this cause
vs.	Appts	was commenced by Mr Taylor
Joseph Stith		for the Appellants.

Proclamation being made the Court is adjourned until tomorrow morning at eleven Oclock.

Friday January 28th 1831.

Pursuant to adjournment the Court met this morning at the Capitol.

Present

The Honorable John Marshall Chief Justice

	William Johnson	
	Gabriel Duvall	
The Hon'ble	Joseph Story	Assoc. Justices
	Smith Thompson	
	John McLean	
	Henry Baldwin	

Tench Ringgold Esquire Marshal
William Thomas Carroll Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr Webster It is ordered that Ezekiel F. Chapman Esquire of the State of Ohio be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

64. John Taylor Griffin & ux vs Edmund Thompson

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of Columbia holden in and for the County of Washington and was argued by counsel; On consideration whereof It is considered adjudged and adjudged by this Court that the judgment of the said Circuit Court in this cause be and the same is hereby affirmed with costs.

Friday January 28th 1831. Continued.

41. The United States vs. Plff in Er. / Thomas Tingey — This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of Columbia holden in and for the County of Washington, and was argued by counsel. On consideration whereof. It is considered ordered and adjudged by this Court that the Judgment of the said Circuit Court in this cause be and the same is hereby affirmed. — "JS. M. Sus. Story"

6. Townsend & Scytemore vs. Plffs / Joseph Stith — The argument of this cause was continued by Mr Swann & Mr Bell for the appellee —

41. The United States vs. Plff in Er. / Thomas Tingey — Mr Swann of counsel for the Plaintiff in Error in this cause moved the Court to amend the Judgment entered in this cause by instructing the Court below to permit him to withdraw his demurrer; On consideration whereof. This court is of opinion that although this might have been done upon a reversal yet it cannot be done where the Judgment of the Court has been affirmed, as this Court cannot disaffirm its Judgment. Whereupon it is ordered by the Court that said motion be and the same is hereby overruled. —

Proclamation being made the Court is adjourned until tomorrow morning at eleven o'clock. —

Saturday January 29th 1831.

Pursuant to adjournment the Court met this morning at the Capitol.

Present

The Honorable John Marshall Chief Justice

The Honble. William Johnson, Gabriel Duvall, Joseph Story, Smith Thompson, John McLean & Henry Baldwin — Associate Justices

Tench Ringgold, Esqre Marshal

William Thomas Carroll Clerk.

Proclamation being made the Court is opened.

William Kinsler Appellt
vs
The United States

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of Rhode Island and was argued by Counsel On consideration whereof, It is ordered and decreed by this Court that the decree of the said Circuit Court in this cause be and the same is hereby affirmed with costs.

"J. M. Jas. M'Lean."

Saturday January 29th 1831 Continued.

6.	Townsend & Taylor dat. vs Appts Joseph Stitt	The argument of this cause was concluded by Mr Jones for the Appellants. —

103.	Samuel Robertson's admr. vs The Union Bank of George Town	The argument of this cause was commenced by Mr Jones for the Plaintiff in Error. —

Proclamation being made the Court is adjourned until Monday morning at eleven o'clock. —

Monday January 31st 1831.

Pursuant to adjournment the Court met this morning at the Capitol —

Present

The Honorable	John	Marshall	Chief Justice
	William	Johnson	
	Gabriel	Duvall	
The Hon'ble —	Joseph	Story	Associate Justices.
	Smith	Thompson	
	John	McLean	
	Henry	Baldwin	

Jonah Rengold Esquire Marshal
William Thomas Garnett Clerk

Proclamation being made the Court is opened. —

On motion first made to the Court in this behalf by Mr Jones It is ordered that William Gost Johnson Esquire of the State of Maryland be admitted to practise as an attorney and counsellor of this Court and he was sworn accordingly. —

103. Samuel & Robertson's admrs vs Jeffries &c. The Union Bank of Georgetown

The argument of this cause was continued by Messrs Dunlop and Key for the defendants in Error and concluded by Mr Cox for the plaintiffs in Error.

Monday January 31st 1831 Continued.

1.	John Hawkins vs Joshua Barney's Exor	The argument of this cause was commenced by Mr Wickliffe for the Plaintiffs in Error.
28.	John B. Livingston vs Moses Smith	On motion of Mr Dove of counsel for the defendant in Error in this cause praying leave of this Court to have the mandate of this Court in this cause forthwith - It is considered and Ordered by the Court that the Clerk do forthwith issue the mandate of this Court in this cause as prayed for -

Proclamation being made the Court is adjourned until tomorrow morning at eleven o'clock. -

1837.

Tuesday February 1st 1831

Pursuant to adjournment the Court met this morning at the Capital —

Present

The Honorable John Marshall Chief Justice

The Hon'ble.	William Johnson Gabriel Duvall Joseph Story Smith Thompson John McLean Henry Baldwin	Associate Justices

Marshal Vacant.

William Thomas Carroll Clerk.

Proclamation being made the Court is opened.

85 The Union Bank of Georgetown Appellants
vs
Anne Gary administratrix of
Edward Gary deceased

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of Columbia holden in and for the County of Washington, and was argued by counsel, On consideration whereof. It is ordered adjudged and decreed by this court that the decree of the said Circuit Court in this cause be and the same is hereby affirmed with costs. —

"J. M. Js. Thompson"

Tuesday February 1st 1831 Continued.

Bernard G. Farrar Pl Joseph C. Brown 51. vs Pff in Er The United States	This cause came on to be heard on the transcript of the record from the District Court of the United States for the District of Missouri and was argued by counsel; on consideration whereof. It is ordered and adjudged by this court that the Judgment of the said District Court in this cause be and the same is hereby reversed and that this cause be and the same is hereby remanded to the said District Court with directions to award a venire Facias de novo. "Js. Mc. Jus: Johnson"

Joseph Grant & Solomon Townsend 51. vs Pffs. Charles & Henry Raymond and The Proprietors of Charles River Bridge 69. vs Pffs in Er: The Proprietors of the Warren Bridge et al	Mr Ogden of counsel for the Plaintiffs in No 51 the first cause having filed an agreement signed by the counsel of all the Parties in these two causes

that case No 69 may be substituted for No 51 on the Docket of this court in the order of argument moved the court for leave to substitute No 69 for No 51 in pursuance of said agreement - On consideration whereof It is ordered by the court that said motion be and the same is hereby granted and that No 69 be and the same is hereby substituted for No 51 in the order of argument. -

"Jn. Mc. Chief Jus: Marshall"

Tuesday February 1st 1831 Continued.

1.	John Hawkins vs. Joshua Barney's Exrs.	The argument of this cause was continued by Mr Winchester for the Plaintiffs in Error and by Mr Jones for the defendant in Error. —

Proclamation being made the Court is adjourned until tomorrow morning at eleven o'clock. —

Wednesday February 2d 1831 Continued

Pursuant to adjournment the Court met this morning at the Capitol.—

Present

The Honorable John Marshall Chief Justice

The Hon.bles.	William Johnson Gabriel Duvall Joseph Story Smith Thompson John McLean Henry Baldwin	Associate Justices

Marshal, vacant.

William Thomas Carroll Clerk.

Proclamation being made the Court is opened.

1.	John Hawkins & al.s vs Pfffs in Er: Joshua Barney Defr	The argument of this cause was continued by Mr Jones for the defendant in Error & concluded by Mr Crittenden for the Plaintiff in Error.

Proclamation being made the Court is adjourned until tomorrow morning at eleven oclock.—

Thursday February 3rd 1831.

Pursuant to adjournment the Court met this morning at the Capitol.—

Present

The Honorable John Marshall Chief Justice.

The Honorable: William Johnson, Gabriel Duvall, Joseph Story, Smith Thompson, John McLean, Henry Baldwin — Associate Justices.

Marshall, Clerk.

William Thomas Carroll Clerk.

Proclamation being made the Court is opened.—

50 Charles B Lucas plaintiff in Error
vs
C. Jackson Conprey Widow in her own name and as Tutrix for her three Children — Jean Henry, Ann Virginie and Therese Conprey Heirs of Jean Henry Conprey deceased.

This cause came on to be heard on the transcript of the record from the District Court of the United States for the Eastern District of Louisiana and was argued by Counsel; On consideration whereof, It is the opinion of this Court that there is no error in the opinion of the said Court in this case, Whereupon, it is considered ordered and adjudged by this Court that the Judgment of the said District Court in this cause be and the same is hereby affirmed with costs.—

"J. M. C. J. Jus. Marshall"

Thursday February 3d 1831

On motion first made to the Court in this behalf by Mr Ogden It is ordered that Robert Sedgwick Esquire of the State of New York be admitted to Practise as an Attorney and Counsellor of this Court and he was Sworn accordingly.—

On motion first made to the Court in this behalf by Mr. McDuffie. It is ordered that Warren R Davis Esquire of the State of South Carolina be admitted to Practise as an Attorney and Counsellor of this Court and he was Sworn accordingly.—

8. John Fisher plff in Er.
vs
James Higgins.—

The motion made by Mr Wickliffe of Counsel for the defendant in Error to dismiss this cause for want of Jurisdiction on a prior day of this Term to wit, On Saturday the 22d day of January in the year of our Lord One Thousand eight hundred eight Hundred and thirty one was argued by Counsel in Support of said Motion and against the Jurisdiction of this Court and was argued by Mr Swan of Counsel for the plaintiff in Error against said motion and in Support of the Jurisdiction of this Court. Whereupon it is considered and ordered by this Court that the consideration of said motion be and the same is hereby postponed.—

Thursday February 3d 1831 Continued.

9	John Fisher Piff in Er vs William Cockrell	The motion made by Mr Mc Knight of counsel for the defendant in Error to dismiss this cause for want of jurisdiction, on a prior day of this term, to wit, On Saturday the 22d day of January in the year of our Lord one thousand eight hundred and thirty one was argued by him in suppot of said motion and against the jurisdiction of this Court, and was argued by Mr Jones of counsel for the plaintiff in Error against said motion and in suppot of the jurisdiction of this court. Whereupon it is considered and ordered by this court that the consideration of said motion be and the same is hereby postponed. —
38	The Bank of the United States vs George B Martin	This cause was argued by Mr Webster on the part of the Plaintiff in Error
12	Francis Kennedy & Wife vs The Griffins Representatives	The argument of this cause was commenced by Mr Wirt for the Plaintiffs in Error continued by Mr Davis for the defendant in Error and concluded by Mr McDuffie for the Plaintiffs in Error. —
94	David Ross Piff in Er vs Charles McClung	On motion of Mr McKinney of counsel for the Piff in Error and by consent of Mr Swift of counsel for the defendant in Error. It is considered and ordered by this

Thursday February 3d 1831 Continued

James F. Calhoun & Jane B. his wife, John Woodside, Richard Smith, Richard Harrison, Joseph Anderson, Thomas F Tucker & William H. Crawford Secretary of the Treasury - Appts

vs

William Robinson

This cause came on to be heard on the transcript of the record from the circuit Court of the United States for the District of Columbia holden in and for the County of Washington and was argued by counsel; on consideration whereof It is the opinion of this court that the Circuit Court erred in decreeing the defendant in that Court to receive a conveyance for the tract of land in the proceedings mentioned & called Howards and to pay therefor the purchase money stipulated in the contract dated the tenth of September Eighteen hundred and twenty two, and that so much of the said decree ought to be reversed and that the cause be remanded to that Court with instructions to reform the said decree so as to direct the defendant to pay the penalty of One thousand dollars with interest thereon from the time the money was from the Government and enjoined by order of that Court was directed to be placed out at interest and to direct the title Papers filed in the cause by the complainant to be redelivered to him. But if the Complainant shall prefer to pursue his remedy at law he is to be at liberty to dismiss his Bill without

Thursday February 3d 1831 Continued.

Ordered, adjudged and decreed by this Court that the Circuit Court erred in decreeing the defendant in that Court to receive a conveyance for the tract of land in the Proceedings mentioned called Howard, and to pay therefor the Purchase Money stipulated in the contract dated the tenth day of September in the year of our God one Thousand eight hundred and twenty five and that so much of the said decree be and the same is hereby reversed and that this cause be and the same is hereby remanded to the said Circuit Court with instructions to reform the said decree so far as to direct the defendant to pay the penalty of one thousand dollars with interest thereon from the time the money due from the Government and enjoined by order of that Court was directed to be placed out at interest, and to direct the title Papers filed in the cause by the Complainant to be re-delivered to him. But if the Complainant shall prefer to pursue his remedy at law he is to be at liberty to dismiss his Bill without costs and without Prejudice. –

Proclamation being made the Court is adjourned until tomorrow morning at eleven o'clock. –

Friday February 4th 1831

Pursuant to adjournment the Court met this morning at the Capitol.

Present

The Honorable John Marshall Chief Justice

The Hon'ble William Johnson
Gabriel Duvall
Joseph Story
Smith Thompson
John McLean
Henry Baldwin
Associate Justices

Marshal present.

William Thomas Carroll Clerk.

Proclamation being made the Court is opened.

76. James Grundy's Lessee vs Jeffries Executors James Barth. — This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of Columbia holden in and for the County of Alexandria and was argued by counsel, On consideration whereof It is considered, ordered and adjudged by this Court that there was error in the Circuit Court in the refusal by the Court of the prayer and rejection of a juror by a competent Witness who was not present at the survey that the lessee of the plaintiff was in the month of October 1794 in possession of the the land designated by the lines E.S.G. which was demanded in the action, and designated on

the Plat in the case by lot number Sixteen (16) in Square number Seventy Five (75) under the Name of Little as set forth in the Bill of Exceptions; and also in refusing to admit the Copy of the deed of Samuel Miller & Samuel Elliot jr and from said Elliot to James Greenlaw the Lessor of the Plaintiff in evidence, as is set forth in the Bill of Exceptions, after the said Circuit Court had admitted in evidence the Proceedings in Bankruptcy in the same Bill of Exceptions set forth. It is therefore considered, ordered and adjudged by this court that the Judgment of the said Circuit Court in this cause be and the same is hereby reversed, and that this cause be and the same is hereby remanded with directions to the said Circuit Court to award a venire facias de novo. —

"P. V. Jus: Story"

The Bank of the United States. vs. Joseph Gaff in Er.
38. George B. Martin

This cause came on to be heard on the transcript of the record from the District Court of the United States for the Southern District of Alabama and was argued by Counsel; On consideration whereof, It is the opinion of this Court that there was no error in the Judgment of the said District Court in dismissing this cause for want of jurisdiction. Whereupon it is considered, ordered and adjudged by this Court that the Judgment of the said District Court in this cause be and the same is hereby affirmed without costs. —

"P. V. Ch: Jus: Marshall"

Friday February 11th 1831 Continued..

	The Widow & Heirs of Mann Page - Complts	The argument of this cause was commenced by Mr Key for the Complainants, continued by Mr Pleasants for the Defendants and concluded by Mr Wirt for the Complainants.
13.	vs	
	Osgood Hanbury & al Defts	

	Amos Kinney Plff in Er	On motion of Mr Key of Counsel for the Appellants and by consent of Mr Wirt of Counsel for the Appellee - It is considered and ordered by this Court that this cause be and the same is hereby continued to the next term of this Court.
16.	vs	
	The Chesapeake and Ohio Canal Company	

	Martha Brastreet Depts	On motion of Mr Webster of Counsel for the Plaintiff in Error praying the Court to postpone this cause and fix the same for argument on a day certain, and filing a letter from Mrs Martha Brastreet which he read in open Court and which is in the following words, viz "Mrs Martha Brastreets compliments to Mr Daniel Webster and informs him that a letter received this morning from Albany announces that his Special Counsel in her cause vs Henry Huntington has hitherto been detained in that City by circumstances beyond his control but which would
34.	vs Plff in Er	
	Henry Huntington	

Friday February 4th 1831 Continued.

to fulfill his intention of assisting in the argument of that cause this term. Mr Martha Broadstreet therefore requests the favour of Mr S Chesler to solicit the indulgence of awaiting the arrival of Mr John T Pillinghast should that cause be called before he is able to reach this city. as there is no doubt he will arrive in the course of a few days and by consent of Mr Storrs of counsel for the defendant in error. It is considered and ordered by the Court that this cause be and the same is hereby Set for argument on next Monday week which will be the 14th day of February Eighteen Hundred and thirty one. —

15. Walter Brashear. Appellant
vs
Thomas West & others

On motion of Mr Bibb of counsel for the Appellant suggesting that this cause and No 31 between the same parties are cross appeals. It is ordered by the court that this cause be postponed and be argued in connexion with No 31. —

27. James Thiffard Val
vs Appellee
Samuel Taylor Val.

The argument of this cause was commenced by Mr Mayer for the Appellants. —

Recognizances being made the Court is adjourned until tomorrow morning at eleven o'clock. —

Saturday February 5th 1831.

Pursuant to adjournment the Court met this morning at the Capitol.—

Present

The Honorable John Marshall Chief Justice.

The Hon'ble: William Johnson, Gabriel Duvall, Joseph Story, Smith Thompson, John McLean, Henry Baldwin — Associate Justices.

Marshal vacant.

William Thomas Carroll Clerk.

Proclamation being made the Court opened.—

82. Alexander M. Pelly & Joseph B Pelly — vs — Jeffs in Er. Joseph S. Clarke

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of Columbia holden in and for the County of Washington and was argued by counsel, On consideration whereof It is considered, ordered and adjudged by this court that the Judgment of the said Circuit Court in this cause be and the same is hereby affirmed with costs.—

"J. M. Ch. Jus: Marshall."

Saturday February 5th 1831 Continued.

Charles A. Laws, Pff in Er.
vs
Isaac Packard & al

108.

Mr Sergeant of counsel for the defendants in Error, in this cause moved the Court in pursuance of notice given and returnable to this day, which Mr White of counsel for the Plaintiff in Error admitted, to dismiss this writ of error for want of jurisdiction, and proceeded to argue said motion, which was opposed in argument by Mr White of counsel for the Plaintiff in Error to which Mr Sergeant replied on the part of the defendants in Error. Whereupon this court not being sufficiently advised of and concerning the Judgment to be rendered of and upon this motion. It is considered and ordered by the Court that the consideration of this motion be and the same is hereby postponed. —

The State of New Jersey
vs
The People of the State of New York.

Original action.

Mr Wirt of counsel for the Complainant suggesting that the subpoena in Equity in this case having been served sixty days before the return day, and the defendants not having appeared, moves the Court for a decree taking the Bill pro confesso unless the defendants having served with a copy of this conditional decree shall appear and answer before the next rule day or for a decree nisi the defendants shall appear and answer by the next rule day, the first Monday of August next and on their failure to do so,

Saturday February 3rd 1831 Continued

that the cause shall be set down for Final Hearing at the next succeeding term of this Court and proceed to argue the Same - Whereupon this Court not being sufficiently advised of and concerning the Judgment to be rendered of and upon this motion - It is considered and ordered by this Court that the consideration of this motion be and the same is hereby Postponed. —

On motion first made to the Court in this behalf by Mr Sedgwick - It is ordered that Andrew J Clark Esquire of the State of New York be admitted to practise as an Attorney and Counsellor of this Court and he was sworn accordingly. —

James Sheffard val
vs
Samuel Taylor val

Affile

The argument of this cause was continued by Mr Sedgwick for the appellants. —

27

Proclamation being made the Court is adjourned until Monday Morning at eleven O'clock. —

1476.

Monday February 7th 1831.

Pursuant to adjournment the Court met this morning at the Capitol.—

Present.

The Honorable	John	Marshall	Chief Justice
	William	Johnson	
	Gabriel	Duvall	
The Hon'ble	Joseph	Story	Associate Justices.
	Smith	Thompson	
	John	McLean	
	Henry	Baldwin	

Marshal, Vacant.

William Thomas Carroll Clerk.—

Proclamation being made the Court is opened.—

Townsend D. Peyton and Francis M. Tuckett William F. Tuckett Matilda A. Tuckett who intermarried with Thomas H. Tuckett, Horace Tuckett, Darnell Tuckett, Henry F. Tuckett, Sophia Tuckett Irwin Tuckett and Robert F. Tuckett heirs of Irwin Tuckett dec'd Appellants

vs.

Joseph Steth —

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of Kentucky and was argued by counsel On consideration whereof It is considered, ordered and decreed by this Court that the decree of the said Circuit Court in this cause be and the same is hereby reversed and that this cause be and the same is hereby remanded to the said Circuit Court with instructions to dismiss

the Bill of the Complainant with costs but without prejudice to the right of the Complainant accruing or vested in him by any deed or contract with Puckett & other persons in relation to any part of the land contained in either of the Surveys of Peyton. —

"Jas. M. Dw. Baldwin."

27.	James Skipper vs No Appl. Samuel Taylor vs	The argument of the cause was continued by Mr. Mayer for the Appellants

Proclamation being made the Court is adjourned until to-morrow morning at eleven O'clock. —

Tuesday February 8th 1831.

Pursuant to adjournment the Court met this morning at the Capitol.—

Present

The Honorable John Marshall, Chief Justice.

The Honble | William Johnson, Joseph Story, Smith Thompson, John McLean & Henry Baldwin | Associate Justices.

Marshal, Vacant.

William Thomas Carroll Clerk.

Proclamation being made the Court is opened.

163. Clement Smith admr of Samuel Robertson decd vs Peffer & The Union Bank of Geo. Town

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of Columbia holden in and for the County of Washington and was argued by counsel On consideration whereof It is considered, ordered and adjudged by this court that the Judgment of the said Circuit Court in this cause be and the same is hereby affirmed with costs. —

"Jas. M. Geo. Johnson"

27. James Phipps and al vs Affle Samuel Tagle and al

The argument of this cause was continued by Mr Mayer for the Appellants and by Mr Key for the Appellees. —

Proclamation being made the Court is adjourned until tomorrow morning

Wednesday February 9th 1831.

Pursuant to adjournment the Court met this morning at the Capitol.—

Present

The Honorable John Marshall Chief Justice

The Honble: William Johnson, Joseph Story, Smith Thompson, John McLean, Henry Baldwin — Associate Justices.

Henry Ashton Esquire Marshal
William Thomas Carroll Clerk.

Proclamation being made the Court is opened.

12. Francis Hennens & Wife vs Jeffries Ex. & Griffin's Representatives. This cause came on to be heard on the transcript of the record from the Circuit Court of the United for the District of South Carolina and was argued by counsel; On consideration whereof, It is the opinion of this Court that there is no error in the Judgment of the said Circuit Court. Whereupon it is considered ordered and adjudged that the Judgment of the said Circuit Court in this cause be and the same is hereby affirmed with costs. — "J. M. Jus: Baldwin"

Wednesday February 9th 1831 Continued.

8.	John Fisher Jeff in Er. in' vs James Higgins —	This cause came on to be heard on the transcript of the record from the Court of Appeals for the State of Kentucky being the highest Court of law in said State and was argued by counsel; On consideration whereof, It is considered, ordered and adjudged by this Court that the writ of error in this cause be and the same is hereby dismissed for want of Jurisdiction. — "J. Mch. Chf. Jus. Marshall." "Mr. Jus. Baldwin, dissenting."

9.	John Fisher Jeff in Er. by vs William Lockerell	This cause came on to be heard on the transcript of the record from the Court of Appeals for the State of Kentucky being the highest Court of law in said State and was argued by counsel; On consideration whereof, It is considered ordered and adjudged by this court that the writ of error in this cause be and the same is hereby dismissed for want of Jurisdiction. "J. Mch. Chf. Jus. Marshall." "Mr. Jus. Baldwin dissenting."

On motion first made to the Court in this behalf by Mr. Doddridge It is ordered that Joseph Draper Esquire of the State of Virginia be admitted to practice as an attorney and counsellor of this court and he was sworn accordingly. —

Wednesday February 9th 1831 Continued

The United States Appellants
vs
98. Fernando de la Maza Arredondo Val
&
Colin Mitchell Val. Appellees
vs
109. The United States

Mr Wirt of counsel for the Appellants in the first cause and of counsel for the Appellee in the second suggested to the Court that these cases were of great magnitude and importance to the United States and that the Government was very solicitous that they should be argued and decided at the present term of this court which would be much facilitated by having the records, which were very voluminous, each of them containing many hundred pages of foolscap printed and that he had been instructed by the Government to move this court for leave to withdraw from the office of the clerk the transcripts in these two causes for that purpose, accordingly so moved the Court, at the same time remarking that he had been informed that Mr Caldwell the predecessor of the present clerk had always in such cases charged the Party half fees. Whereupon Mr Chief Justice Marshall on behalf of the Court stated, that the clerk of this court had certain rights and fees of office, of which a fee for a copy of the record was one, which this court were not disposed to violate, and that the Party could not withdraw the records without paying for copies but that any arrangement which the clerk saw proper to make would be satisfactory

Wednesday February 9th 1831. Continued.

Henry Ashton Esquire of the District of Columbia appeared and produced the following Letters Patent which were read in Open Court and ordered by the Court to be recorded on the minutes of this Court in the following words viz"

"Andrew Jackson President of the United States of America - To all Who Shall See These Presents Greeting: Know ye, that reposing special trust and confidence in the integrity, ability and diligence of Henry Ashton of the District of Columbia I have nominated and by and with the advice and consent of the Senate, do appoint him Marshall of the United States in and for the District of Columbia and do authorize and empower him to execute and fulfil the duties of that office according to law, And to Have and to Hold the said office with all the Powers, privileges and emoluments to the same of right thereunto appertaining, unto him the said Henry Ashton for the term of Four years from the fourth day of the present month of Feby unless the President of the United States for the time being should be sooner to revoke and determine this commission. - In Testimony Whereof, I have caused these Letters to be made Patent and the Seal of the United States to be hereunto affixed. - Given under my Hand at the city of Washington, the Fourth day of February in the year of our Lord one thousand eight hundred and thirty one, and of the Independence of the United States of America the Fifty fifth. -

Seal

By the President. Andrew Jackson. -

M. Van Buren

Wednesday February 9th 1831 Continued

On the back of which are the following endorsements, Viz. "District of Columbia to wit: On the ninth day of February in the year of our Lord 1831, the within named Henry Ashton personally appeared before me William Cranch Chief Judge of the Circuit Court of the United States for the District of Columbia and Judge of the District Court of the said District, and in due Form of law took the oath of office as Marshal of the District of Columbia, and also the oath to support the constitution of the United States. — Sworn before me

(W. Cranch.

"I also certify that the said Henry Ashton has given Bond and security as required by law. — 9th Feby 1831. — (W. Cranch." —

27 | James Sheppard vel | The argument of this cause
| | was continued by Mr. Key
| Samuel Taylor vel | and Mr. Jones for the
| | Appellees. —

Proclamation being made the Court is adjourned until tomorrow morning at eleven o'clock. —

Thursday February 10th 1831.

Pursuant the adjournment the Court met this morning at the Capitol. —

Present

The Honorable John Marshall Chief Justice
William Johnson
Joseph Story
The Hon^ble Smith Thompson Associate Justices
John McLean
Henry Baldwin

Henry Ashton Esquire Marshal
William Thomas Carroll, Clerk. —

Proclamation being made the Court is opened. —

37 James Shepherd &c vs. Appellee
and
Samuel Taylor &c

The argument of this cause was continued by Mr Hoffman for the appellants. —

Proclamation being made the Court is adjourned until tomorrow morning at eleven o'clock. —

Friday February 6th 1835.

Pursuant to adjournment the Court met this morning at the Capitol.—

Present

The Honorable John Marshall Chief Justice

The Honble | William Johnson, Joseph Story, Smith Thompson, John McLean & Henry Baldwin | Associate Justices

Henry Ashton Esquire Marshal
William Thomas Carroll Clerk.—

Proclamation being made the Court is opened.—

On motion duly made to the Court in this behalf by M. Ogden It is ordered that M. T. Blake Esquire of the State of New York be admitted to practise as an attorney and counsellor of this Court, and he was sworn accordingly.—

The State of New Jersey Complt | Original Action
against | In Equity.—
The People of the State of New York, Defts

The Subpoena in this cause having been returned, executed sixty days before the return day thereof, and the defendants having failed to appear, it is on the motion of the Complainants counsel ordered that the Complainant be at liberty to proceed ex parte:

Friday February 11th 1831 Continued.

And it is further decreed and ordered that unless the defendant, being served with a copy of this decree sixty days before the ensuing August Term of this Court shall appear on the second day of the next January Term thereof and answer the Bill of the Complainant, this Court will proceed to hear the cause on the part of the Complainant and to decree on the matter of the said Bill. —

"Jno. M. Ch. Jno. Marshall"

On Motion of Mr Wirt of Counsel for the Complainant in the above cause, praying an order to the Clerk of this Court commanding him forthwith to issue a sealed and certified copy of the above order of this Court made in said cause on this day; It is considered and ordered by the Court that the Clerk do forthwith issue a copy of said order as prayed for. —

27. James Sheppard &al Pltffs
vs
Samuel Taylor &al Deffts

The argument of this cause was concluded by Mr Hoffman for the appellants. —

24. Martha Bradshaw &c Pltffs
vs
Henry Huntington Deft

On Motion of Mr Mayer in behalf of the Plaintiff in Error in this cause It is ordered by the Court that the argument of this cause be postponed and that this cause be set down for argument on Wednesday next.

Friday February 11th 1831 Continued

84	The King Court of Washington vs Pltff in Er. Jesse Kingsold, Marshal &c	The argument of this cause was concluded by Mr Key for the Pltff in Error.
30.	Silas Ratcliffe vs Pltff in Er. Silas Ratcliffe Val	This cause was argued by Mr Ratcliffe for the Plaintiff in Error

Proclamation being made the Court is adjourned until tomorrow morning at eleven Oclock. —

Saturday February 12th 1831.

Pursuant to adjournment the Court met this morning at the Capitol. —

Present

The Honorable	John Marshall	Chief Justice
The Hon'ble	William Johnson Joseph Story Smith Thompson John McLean Henry Baldwin	Associate Justices

Henry Ashton Marshal
William Thomas Carroll Clerk. —

Proclamation being made the Court is opened. —

Frances West and Henry Hixon Appellants vs Walter Brashear	On motion of Mr Bibb of Counsels for the Appellees, the defendants in this cause having been three times solemnly called by the Marshal to come into Court and prosecute this appeal from the Circuit Court of the United States for the District of Kentucky and failing so to do It is considered, ordered and decreed by the Court that this cause be and the same is hereby dismissed with costs —

31

"Jn. M. Ch. Jno. Marshall"

U. States
vs
Wallace
Dismissed
2 Feb. 1831

Saturday February 19th 1831 Continued.

15	Walter Brashear Appt vs Francis West Val	This cause was argued by Mr Bibb for the Appellant.
34	John Winship Val vs Bank United States	The argument of this cause was commenced by Mr Sprague for the Plaintiffs in Error.

Proclamation being made the Court is adjourned until Monday morning at eleven oclock.

Monday February 14th 1831.

Pursuant to adjournment the Court met this morning at the Capitol.—

Present

The Honorable John Marshall Chief Justice

The Hon'ble
- William Johnson
- Gabriel Duvall
- Joseph Story
- Smith Thompson
- John McLean
- Henry Baldwin

Associate Justices.

Henry Ashton Esquire Marshal
William Thomas Carroll Clerk.—

Proclamation being made the Court is opened.—

The Defee of William Patterson Pff in Error.
vs
Elisha Winn, James Clements, John Berry Junr
William Rucks, William Baskin Benjamin Tucker
Samuel Garnetts, Stephen Nolen, James Nolen,
George Nolen Christopher Anderson William Dobbs,
Silas Dobbs Jack Pucket, David Richardson Mathias
Bates William Tillbee Isham Williams, Elijah
Fulton Simeon Berry James Crawford, John Berry Junr
William Timber Meredith Collier, James Sweeny
Sarah Dawson Joshua Hill and James Berry.—
Defendants in Error.—

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the district of Georgia and was argued by

Monday February 14th 1831 Continued

counsel; On consideration whereof. It is considered and ordered by this Court that the Circuit Court erred in refusing to allow the exemplification of the grant to Basil Jones mentioned in the record to be read in evidence as in the exceptions of the Plaintiff is mentioned. Whereupon It is ordered and adjudged by this Court that the Judgment of the said Circuit Court in this cause be and the same is hereby reversed and that this cause be and the same is hereby remanded to the said Circuit Court with instructions to award a venire facias de novo. "P. V. Mr. Jus: Story."

"Mr. Jus: Johnson. Dissenting."

The Wpmistyk v. B.
vs
Bank United States.

The argument of this cause was continued by Mr. Sprague for the Plaintiffs in Error and by Mr. Sergeant & Webster for the Defendant in Error.

Proclamation being made the Court is adjourned until tomorrow morning at eleven o'clock.

Monday February 14th 1831.

Pursuant to adjournment the Court met this morning at the Capitol.—

Present

The Honorable	John Marshall	Chief Justice
	William Johnson	
	~~Gabriel Duvall~~	
The Hon'ble	Joseph Story	Associate Justices
	Smith Thompson	
	John McLean	
	Henry Baldwin	

Henry Ashton Esquire Marshal
William Thomas Carroll Clerk.—

Proclamation being made the Court is opened.—

The Peace of William Patterson—Pltff in Error.

vs

Elisha Winn, James Clement, John Berry Junr, William Rucks, William Baskin, Benjamin Cooke, Samuel Carruthers, Stephen Nolen, James Nolen, Isaac Nolen, Christopher Anderson, William Dobbs, Silas Dobbs, Jacob Pricket, David Richardson, Mathew Bates, William Wellborn, Isham Williams, Elijah Fulton, Samson Berry, James Crawford, John Berry Junr, William Turnbow, Kenneth Collier, James Sweeny, Sarah Dawson, Joshua Hill and James Berry.—

Defendants in Error.—

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of Georgia and was argued by

counsel; On consideration whereof. It is considered and adjudged by this Court that the Circuit Court erred in refusing to allow the exemplification of the grant to Basil Jones mentioned in the record to be read in evidence as in the exception of the Plaintiff is mentioned. Whereupon It is ordered and adjudged by this Court that the Judgment of the said Circuit Court in this cause be and the same is hereby reversed and that this cause be and the same is hereby remanded to the said Circuit Court with instructions to award a venire facias de novo. "Ch. J. Mr Jus. Story."

Mr Jus. Johnson dissenting.

The Bishop &c &c
vs
Bank United States.

The argument of this cause was continued by Mr Sprague for the Plaintiffs in Error and by Mr Sergeant & Mr Webster for the Defendant in Error.

Proclamation being made the Court adjourned until tomorrow morning at eleven o'clock

1491.

Tuesday February 15th 1831

Pursuant to adjournment the Court met this morning at the Capitol.

Present

The Honorable John Marshall Chief Justice.

The Hon'ble: William Johnson, Joseph Story, Smith Thompson, John McLean, Henry Baldwin — Associate Justices.

Henry Ashton Esquire, Marshal
William Thomas Carroll Clerk.

Proclamation being made the Court is opened.

84. The Levy Court of Washington County in the District of Columbia — Plff in Er.
vs
Tench Ringgold, Marshal of the United States for the District of Columbia —

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of Columbia holden in and for the County of Washington and was argued by counsel, on consideration whereof It is considered ordered and adjudged by this court that the Judgment of the said Circuit Court in this cause be and the same is hereby affirmed with costs. —

"P. M. Jus: Thompson."

Tuesday February 15th 1831 Continued.

John Winthrop vals. Piffs in E 34. vs The Bank United States.	The argument of the cause was concluded by Mr Sprague for the Piff in Error.
Josiah Lewis val. &c. 32. vs Humphrey Marshall val.	The argument of the cause was commenced by Mr Wickliffe for the Appellants.

Proclamation being made the Court is adjourned until tomorrow morning at eleven Oclock.

1833.

Wednesday Febuary 16th 1831.

Pursuant to adjournment the Court met this morning at the Capitol -

Present -

The Honorable	John Marshall	Chief Justice -
The Honble	William Johnson Joseph Story Smith Thompson John McLean & Henry Baldwin	Associate Justices.

Henry Ashton Esquire Marshal
William Thomas Carroll Clerk -

Proclamation being made the Court is opened -

Maria W. Page admx of Mann Page dec? and Maria F Page and Jane M. Page infant children of the said Mann Page by the said Maria W Page their mother and next friend - Complts below.

13. vs

The Revd Wm of Osgood Hanbury Surviving Partner of Capel and Osgood Hanbury, Robert Patton admr (cum testamento annexo) of Mann Page dec? John P. Page Lewis Burwell admr of Robert C Page and John Minor - Defendants. -

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the Eastern District of Virginia and on the Points and questions on which the Judges of the said Circuit Court were divided in opinion and which were certified to this Court for its opinion

Wednesday February 16th 1831 Continued.

in pursuance of the act of Congress in that
purpose made and provided and was argued
by counsel; On consideration whereof. It is the
opinion of this court that the debt of Patton
a such portion of it as was paid out of the
proceeds of the sale of the real estate, should be
credited to that fund, and not to the account
of the administration Fund. Whereupon it
is ordered and adjudged by this Court that
it be certified to the Judges of the said Circuit
Court, that the debt of Patton, a such portion
of it, as was paid out of the proceeds of the sale
of the real estate, should be credited to that
fund and not to the account of the administ-
ration Fund. — Test. M. Lee. M'Lean.

Josiah Lewis vs. Appellee.
32 vs
Humphrey Marshall Appellant

The argument of this cause was continued by Mr. Clark for the Appellee and concluded by J. W. Whitcliff for the Appellants.

Proclamation being made the Court adjourned until tomorrow morning at eleven Oclock.

1195.

Thursday Febuary 17th 1831.

Pursuant to adjournment the Court met this morning at the Capitol.

Present

The Honorable	John	Marshall	Chief Justice
	William	Johnson	
	Joseph	Story	
The Honble	Smith	Thompson	Associate Justices.
	John	McLean	
	Henry	Baldwin	
Henry	Ashton	Esquire	Marshal
William	Thomas	Carroll	Clerk.

Proclamation being made the Court is opened. —

	John Hawkins & William May		This cause came on to be heard on
1.	vs	Pltffs in Er.	the transcript of the record from
	Joshua	Barney	Def in Er.	the Circuit Court of the United

States for the District of Kentucky and was argued by counsel, On consideration whereof, It is considered ordered and adjudged by this Court that the Judgment of the said Circuit Court in this cause be and the same is hereby reversed and that this cause be and the same is hereby remanded to the said Circuit Court with instructions to award a venire facias de novo — Ps. Mr Justice Johnson —

	Def in Er.		The argument of this cause was
36	vs	Pltff in Er.	commenced by Mr Mayer for
	Henry	Huntington	the Plaintiff in Error. —

Proclamation being made the Court is adjourned until tomorrow morning at eleven o'clock.

Friday February 18th 1831.

Pursuant to adjournment the Court met this morning at the Capitol.-

Present.

The Hon^ble John Marshall Chief Justice

The Hon^ble | William Johnson
Joseph Story
Smith Thompson
John McLean
Henry Baldwin | Assoc. Justices

Henry Ashton Esquire Marshal
William Thomas Carroll Clerk

Proclamation being made the Court is opened.-

60. The Bank United States vs Jeffries & al. William Green Val

93. The President, Recorder & Trustees of the Town of Cincinnati - Pl^ffs in Er. vs Edward Wiles Defen^t

Mr Ewing of counsel for the Defendants in Error in No 60. and for the defendants in Error in No 93 having filed an agreement of the counsel in those causes that they should be substituted for each other on the docket moved the Court that No 93 should be substituted for No 60 on the docket of this court, in the order of argument; On consideration whereof It is ordered that said substitution be made by the clerk of this court as prayed for.-

Friday February 18th 1831 Continued.

24.	The U.S. for the Use of Thos Bradstreet vs Joseph Griffin & Co: Henry Huntington —	The argument of this cause was continued by Mr Storrs for the Defendant in Error. —

Proclamation being made the Court is adjourned until tomorrow morning at eleven Oclock. —

Saturday February 4th 1831

Pursuant to adjournment the Court met this morning at the Capitol.—

Present

The Honorable John Marshall Chief Justice

The Honble | William Johnson / Joseph Story / Smith Thompson / John McLean / Henry Baldwin | Assoc. Justices

Henry Ashton Esqre Marshal
William Thomas Carroll Clerk

Proclamation being made the Court is opened.

James Shephard James Alexander William Argus William Burk, Simon Brooks John Beckford, Charles Brady, Thomas Baxter Joseph Bennes, Thomas Baker, William Clark convicted Cooper Daniel Conner, John Coleman Robert Conkling, Samuel Carr, James Lewis George Dickson, David Deck, George Dunnett William Dowell, Denton Dowell, Thomas Ennes, Joseph B. Ennis, Thomas Evans, Jacob Fenner Thomas French, Jeremiah Foger Michael Foot John Grimes Gellen Gardner Charles Harder John Hagg William Haynes, Edward Hadaway, John Hughes, George Higby, Samuel Hicks Thomas Hutchford, George Hughley, John Johnson, Reuben James Samuel Evans, Peter Lee George Leary George Leggett, William Linton, John Lockard James Mc

Saturday February 19th 1831. Continued.

Isaac Mack, James Murray, Henry May, Joseph Norman, John Melchior, Chs. McTeer, Daniel McKlew, Edmund Oaks, Michael Pellet, John Poire John Randall (No 1) John Randall (No 2) Peter Roe Julius Roe John Runnels, John Smith (No 1) John Smith, (No 2) John Shipperd, John Stocks William Stocks, George Tompkins, alias Lincoln John White, Henry Young, Thomas Rowland, Edward Force, & William Nelson, Stephen Cassin,

Libellants & Appellants.

27. vs

Samuel Taylor Samuel Smith, James A Buchanan, John Collins, John Smith Hollins, Michael McBlair Robert Oliver The President Directors and Company of the Bank of the United States, The President and Directors of the Union Bank of Maryland Thomas Ellicott and Jonathan Meredith.

Respondents & Appellees.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of Maryland and was argued by counsel, On consideration whereof, it is ordered adjudged and decreed by the Court that the decree of the Circuit Court affirming the decree of the District Court dismissing the Libels and Libellees in this cause be and the same is hereby reversed. and this Court proceeding to render such decree as the Circuit Court ought to have rendered. It is further ordered adjudged and decreed that the Libellants are entitled to full wages accor-

Saturday February 19th 1831 Continued.

or contract from the time of their Shipping until their return and arrival in the United States after the Seizure of the said Ship Warren and Cargo in the manner in the Proceedings mentioned according therefrom any advance Wages paid to them and any Wages earned by them in any employment in the intermediate Period, and that a decree be entered against the owners of the said Ship in the said Proceedings mentioned for the amount of such Wages as soon as the same shall be ascertained in the manner hereinafter stated with interest thereon from the first day of December 1825 - And it is further ordered, adjudged and decreed that a decree be entered against the other Respondents in this cause for the Payment of the same Wages when so ascertained with interest as aforesaid out of the Funds and Proceeds (but not exceeding the Funds and Proceeds) of the said Ship Warren and Freight received by them under the assignments and the award of the Commissioners under the Treaty with Spain in the said Proceedings mentioned, to wit, out of the Sum of $25000 awarded for the said Ship and the Sum of $13.800 awarded for the Freight thereof according to the Proportions thereof by them respectively received as aforesaid - And that interest at the rate of Six Per cent Per annum be paid by them and considered as a Part of the said Funds and Proceeds from the time when the Petition and Libel against them was Filed to wit From the Last day of

Saturday February 19th 1831 Continued.

December 1825. until a final decree is and shall be made in the premises by the Circuit Court, at which the same Funds and Proceeds shall by order of the Circuit Court be brought into the Registry of the Court. And it is further ordered adjudged and decreed, that this cause be remanded to the Circuit Court with the following directions.

First. To refer it to the Commissioner to ascertain from the evidence and proceedings and other proper evidence the amount due to each of the Libellants for wages and interest thereon, upon the principles stated in this decree. And that he be required forthwith, and as soon as may be to proceed upon this duty, and to report to the Circuit Court the amount due to each of the Libellants separately, as soon as he shall have ascertained the same, so that a separate and several decree may be entered thereon to each Libellant respectively. —

Secondly. In cases where the exact sums of the return of any of the Libellants cannot be ascertained, the Commissioner is to make an average estimate of the time, as near as the facts will enable him to do so, and to report accordingly.

Thirdly. In cases, where any of the Libellants have died during the pendency of the proceedings in this suit, no final decree is to be entered in respect to such Libellant until his personal representative shall become party to the Suit. —

"W. M. Ed. Story"

Saturday February 19th 1831 Continued.

74. John Watts Appt
vs
John Waddle & al

Mr Knight of counsel for the Appellant suggesting to the Court the death of John Watts the Appellant and praying the Court to continue this cause to the next term of this court with leave to the Heirs and Representatives of the said John Watts deceased, to enter their appearance as Appellants in this cause with the right to prosecute the appeal of their ancestor; On consideration whereof It is ordered by this Court that the Heirs and Representatives of John Watts deceased be at liberty to enter their appearance as appellants in this cause with leave to prosecute the appeal of their ancestor. And it is further ordered that this cause be continued to the next term of this court.

24. Lessee of Martha Bradstreet
vs Error to
Henry Huntington

The argument of this cause was continued by Mr Spencer for the Defendant in Error and concluded by Mr Webster for the Plaintiff in Error —

Proclamation being made the Court is adjourned until Monday morning at eleven o'clock —

Monday February 21st 1831.

Pursuant to adjournment the Court met this morning at the Capitol.

Present

The Honble	John	Marshall	Chief Justice
	William	Johnson	
	Joseph	Story	
The Honble	Smith	Thompson	Associate Justices
	John	McLean	
	Henry	Baldwin	
Henry	Ashton	Esquire	Marshal
William	Thomas	Carroll	Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr Ogden. It is ordered that Peter P. Flagg Esquire of the State of New-York be admitted to practise as an attorney and Counsellor of this Court and he was sworn accordingly.—

31. James Watt Jnr. &c. vs. Walter Buchanan

Mr Peters of counsel for the Appellants in this cause suggesting to the Court that this cause and N° 15 in which he is counsel for the Appellees were Cross appeals from the same court between the same parties and involving the same subject matter in controversy, prayed the Court to suspend its judgment or decree in N° 15 until this cause was argued for which purpose he now moved

Monday February 21st 1831 Continued.

the Court to set aside rescind and annul its order of dismissal entered in this cause on a prior day of the present term of this Court to wit, on Saturday the twelfth day of February A.D. 1831 and to reinstate this cause on the Calendar of this Court for argument, which was opposed by Mr. Bibb of counsel for the Appellee and supported by Mr. Sergeant of counsel for the Appellant. Whereupon this court not being now fully sufficiently advised of and concerning the Judgment to be rendered on this motion do hereby order that the consideration of this motion be and the same is hereby postponed. —

27 James Sheppard &al vs. Samuel Taylor &al

Mr. Sergeant of counsel for the Appellants in this cause prayed the Court to withhold its mandate in this cause as he intended to make a motion in said cause in writing at a subsequent day of this term of which he would give notice to the counsels for the Appellees. Whereupon it is ordered by the Court that the consideration of said motion be postponed. —

Monday February 21st 1831 Continued.

Ex parte
Nathaniel Grant –

In the matter of James Jackson et ux. John Jacob Astor & others
vs Nathaniel Grant, a motion
for a mandamus to the Circuit
Court of the United States for the
Southern District of New
York in the Second Circuit.

Mr Hoffman of counsel
for the defendant in the
above named suit in
pursuance of a written
notice given to the Counsel
for the Plaintiffs, and
now filed in open court
of which the counsel for
the Plaintiffs, here in open
Court admit due service
as well as by a written admission filed herewith,
moved the court for a writ of Mandamus to be
directed to the Circuit Court of the United States
for the Southern District of New York in the
Second Circuit commanding the said Circuit Court
to review its settlement of the proposed Bill of
Exceptions mentioned in the said affidavit and accom-
panying the same and now here filed herewith
and to correct settle allow and insert in the said
Bill the charge delivered by the said Court
to the Jury on the trial of the said cause above
named or the substance thereof – and further
moved the Court for such other and further order
and relief in the premises as the said Court shall
deem just and proper: which motion was advocated
by Mr Webster on the part of said Nathaniel Grant
and opposed by Messrs Ogden & Wirt on behalf of
the said John Jacob Astor & others – Whereupon this court
not being now here sufficiently advised of and con-
cerning the Judgment and order to be rendered upon said motion
doth take time and adjudge that the consideration of said motion

Monday February 21st 1831 Continued.

Ex Parte
Samuel Kelly. —

In the matter of James Brekon
ridge John Jacob Astor & others
vs Samuel Kelly — on motion for
a Mandamus to the Circuit
Court of the United States for
the Southern District of New
York in the Second Circuit.

Mr. Hoffman of Counsel
for the defendant in the
above named Suit in
pursuance of a written
notice given to the
Counsel for the Plaintiffs
was now heard to show
Cause why a Writ of Mandamus
for the Plaintiffs here
in upon Court should not
issue as well as by a written admission filed
Therewith, moved the Court for a writ of Mandamus
to be directed to the Circuit Court of the United States
for the Southern District of New York in the Second Circuit
commanding the said Circuit Court to review its
Settlement of the Proposed Bill of Exceptions mentioned
in the said affidavit and accompanying the Same
and now here filed Therewith and to correct
Settle, allow and insert in the said Bill the
Charge delivered by the said Court to the Jury on the
trial of the said cause above named or the
substance thereof. And further moved the Court for
such other and further order and relief in the Premises
as the said Court shall deem just and proper:
which motion was opposed by Mr Wheaton on the
part of the said Samuel Kelly and opposed by
Messrs Ogden & Wirt in behalf of the said John Jacob
Astor & others — Whereupon the Court not having now
time sufficiently advised of and concerning the Same
pronounced order to be rendered upon said motion doth order
and adjudge that the consideration of said motion be and

Monday February 21st 1831 Continued. —

33. Lessee of James B Clarke & al vs Jeffries Ex. of the Lindsay & al	The argument of this cause was commenced by Mr Gough & brought for the Plaintiff in Error. —
15. Wm Miller Buchanan & Wife vs Francis Mestrat & al. —	Mr Peters of counsel for the Appellees suggesting to the Court that this cause and No 31. were cross appeals from the same Court between the same parties and involving the same matters in controversy moved the Court to suspend entering its decree in this cause till the argument of No 31. The consideration of which motion is reserved to be postponed. —

Proclamation being made the Court is adjourned until tomorrow morning at eleven oclock. —

Pursuant to adjournment the Court met this morning at the Capitol –

Present

The Honorable John Marshall Chief Justice.

	William Johnson	
	Joseph Story	
The Hon'ble	Smith Thompson	Associate Justices
	John McLean &	
	Henry Baldwin	

Henry Ashton Esquire Marshal
William Thomas Carroll Clerk –

Proclamation being made the Court is opened –

	James West Plff in Error	On consideration of
31.	vs	the motion made by
	Walter Boyd Defendant	Mr Peters of counsel

for the Appellants on yesterday praying the Court to set aside reversed and annul the order of dismissal entered in this cause on a prior day of the present Term of this Court and to reinstate this cause on the Calendar of this Court for argument, this cause and No 8 being cross appeals from the same Court between the same parties and involving the same matters in controversy; It is now here ordered and adjudged by this Court that the said order of dismissal entered in this cause on Saturday the twelfth day of February A.D. 1831 at the present term of this Court be reversed

Tuesday February 22d 1831 Continued —

annulled and set aside and that this cause be and the same is hereby reinstated on the Calendar & Docket of this Court with leave to the Counsel to argue the same: And it is further ordered by the Court that this cause be and the same is hereby continued to the next Term of this Court. —

15. Wallis Brashear Appellt
vs
Francis West Val —

On consideration of the motion made by Mr Peter of Counsel for the Appellee on yesterday suggesting that this cause and No 31 are cross appeals from the same Court between the same parties and involving the same subjects in controversy, And whereas this court has continued the said cause No 31 to the next term of this court. It is now here ordered and adjudged by this Court that this cause be and the same is hereby continued to the next term of this court. —

31. Francis West val Appellt
vs
Wallis Brashear —

Mr Peter of counsel for the Appellants in this cause having filed a Suggestion of diminution of the record, suggests to the Court here a diminution in the transcript of the record certified into this court from the Circuit Court of the United States for the District of Kentucky in this, that in the trial of this cause below there was a Bill of review and proceedings on said Bill to a decree which are omitted in the said transcript. Whereas

in truth and in fact there was a Bill of review and proceedings on said Bill to a decree which Bill proceedings and decree are enrolled in the said Circuit Court in and for the Seventh Circuit and Kentucky District By reason of which omissions and errors aforesaid the said counsel moved the court to award a writ of certiorari to be directed to the Judges of the Circuit Court of the United States for the Seventh Circuit and District of Kentucky commanding them that searching the records of said Court in this cause they shall certify to this court under the Seal of the said Court whatever omissions and errors shall be found, On consideration whereof it is now here ordered and adjudged by the Court that a writ of certiorari be and the same is hereby awarded & be issued forthwith directed to the Judges of the Circuit Court of the United States for the District of Kentucky commanding them to certify under the Seal of the said Court what omissions and errors shall be found and return the same with the said writ of Certiorari to this Court at its next January Session to be holden at the City of Washington on the second Monday of January in the year of our Lord one thousand eight hundred and thirty two. —

"Jr. M. Ch. Jus: Marshall"

Tuesday February 22d 1831 Continued.—

35 Lipsey of James B. Blanks & al vs Jeff in Er. from Bowling & al —	The argument of this cause was continued by Mr Bibb for the defendants in Error and concluded by Mr Yancey for the Plaintiff in Error.—

Proclamation being made the Court is adjourned until tomorrow morning at eleven Oclock.—

Wednesday February 23d 1831.

Pursuant to adjournment the Court met this morning at the Capitol.

Present

The Honorable John Marshall Chief Justice

The Hble William Johnson
Joseph Story
Smith Thompson
John McLean
Henry Baldwin
} Justices &c.

Henry Ashton Esquire Marshal
William Thomas Carroll Clerk.

Proclamation being made the Court is opened.

36. Henry Miller's Executors vs. Ashby
John & Jacob McIntyre

On Motion of Mr Daniel of Counsel for the Appellees, It is ordered that this cause be submitted to the consideration of the Court on the transcript of the record and the Statements of Counsel without argument.—

37. Pierre Menard - Deft in Er. vs. Dupassa a mulatto

This cause was argued by Mr Wirt for the Plaintiff in Error.—

Wednesday February 23rd 1831 Continued. -

Duke Fermanagh & Cuyahoga Co.	The argument of this cause was commenced by Mr Scott for the Plaintiffs in Error and continued by Mr Wirt for the defendant in Error. -
39. vs	
Isaac Jackson -	

Mr Emerson being made the Court is adjourned until tomorrow morning at eleven Oclock. -

Thursday February 24th 1831

(Pursuant to adjournment the Court met this morning at the Capitol.—

Present—

The Honorable John Marshall Chief Justice

The Hon'ble | William Johnson / Joseph Story / Smith Thompson / John McLean & / Henry Baldwin | Associate Justices

Henry Ashton Esquire Marshal
William Thomas Carroll Clerk.—

Proclamation being made the Court is opened.—

39. Luke Fieman Val. Biffin Et al. vs James Sackett

The argument of the cause was continued by Mr. Wirt for the defendant in Error and concluded by Mr. Key for the Plaintiffs in Error.—

Proclamation being made the Court is adjourned until tomorrow morning at eleven Oclock.—

B B.

Friday February 25th 1831

Pursuant to adjournment the Court met this morning at the Capitol —

Present.

The Honorable John Marshall Chief Justice

	William Johnson	
	Joseph Story	
The Hon'ble	Smith Thompson	Associate Justices
	John McLean	
	Henry Baldwin	

Henry Ashton Esquire Marshal
William Thomas Carroll Clerk.

Proclamation being made the Court is opened. —

On motion Ferdinand Stewart Esquire of the State of Maryland he admitted to practice as an attorney and Counsellor of this Court and he was sworn accordingly.

Joshua Nicholson & others Surviving partners of William Nicholson Esquire & Co.

vs.

Lyle Nichelberger, Surviving partner of John Coleman

68.

In Error to the Circuit Court of the United States for the District of Maryland. W Pinkney of Counsel for the Plaintiff in Error having suggested on the record that Lyle Nichelberger the defendant in Error has departed this life since the last continuance of this cause and pending this writ of error moved

the Court to continue said cause to the next Term of this court with an order of Publication in conformity to the 28th rule of this Court — Whereupon it is considered and ordered by the Court that unless the Legal representatives of the said Jesse Eichelberger shall become Parties to this writ of Error within the first ten days of the next January Term of this Court, the Plaintiffs in Error shall be entitled to open the record, and on hearing have the Judgment of the said Circuit Court in the cause reversed if it be erroneous — And it is further ordered by the court that a copy of the present order shall be Printed in some news Paper at the Seat of Government in which the laws of the United States shall be Printed by authority for three successive weeks at least Sixty days before the beginning of the next January term of this Court —

J. M. Ch. Jus. — Marshall

44. The United States. &c. vs. Thomas Robertson —

The argument of this cause was commenced by Mr. Key Genl. for the Plaintiffs and continued by Mr. Martin for the defendant. —

Proclamation being made the Court is adjourned until tomorrow morning at eleven Oclock. —

Saturday February 26th 1831

Pursuant to adjournment the Court met this morning at the Capitol.—

Present—

The Honorable John Marshall Chief Justice.

The Honble. William Johnson, Joseph Story, Smith Thompson, John McLean, Henry Baldwin — Associate Justices

Henry Ashton Esqre Marshal

William Thomas Carroll Clerk.—

Proclamation being made the Court is opened.—

34. John Winship Jno. Binney and John Binney — Plffs in Er.
vs
The President Directors and Company of the Bank of the Bank of the United States.

This cause came on to be heard on the Transcript of the record from the Circuit Court of the United States for the District of Massachusetts and was argued by Counsel, On Consideration whereof, It is considered ordered and adjudged by this Court that the Judgment of the said Circuit Court in this cause be and the same is hereby affirmed with costs and damages at the rate of six per centum per annum.—

"Jno. M. Ch. Jus. Marshall"

"H. Jus. Baldwin, Dissenting."

Saturday February 26th 1831 Continued.

98. The United States Appl
vs
Fernando de los Reyes
Arrendondo & al —
vs
Colen Mitchell & al. Appls
99. vs
The United States. —

Mr Wirt of counsel for the Appellants in No 98. and for the Appellees in No 99. suggesting to the Court that the gentlemen on whom he is represented in these two causes were very desirous to have said causes argued and decided if practicable during the present term of this Court the amount in controversy and the principles involved in them being of great magnitude and importance moved the Court to fix a day certain during the present term of this Court for the argument of these causes, which was opposed by Mr Webster and Berrien of counsel for the claimants — Whereupon it is considered and ordered by the court that said motion be and the same is hereby overruled. —

44. The United States. Appl
vs
Thomas Robertson —

The argument of this cause was continued by Mr Martin & Key for the defendant. —

Proclamation being made the Court is adjourned until Monday morning at eleven o'clock. —

84.

Monday February 28th 1831.

Pursuant to adjournment the Court met this morning at the Capitol.

Present.

The Honorable John Marshall Chief Justice.

	William Johnson	
	Gabriel Duvall	
The Honble	Joseph Story	Associate Justices.
	Smith Thompson	
	John McLean &	
	Henry Baldwin	

Henry Ashton Esquire Marshal

William Thomas Carroll Clerk.

Proclamation being made the Court is opened. —

On motion first made to the Court in this behalf by Mr Taney. It is ordered that Benjamin C. Howard Esquire of the State of Maryland be admitted to practise as an attorney and counsellor of this Court and he was sworn accordingly. —

The United States		The argument of this cause
Mb.	vs	was continued by Messrs Martin
Thomas Robertson		and Taney for the defendant.

Proclamation being made the Court is adjourned until tomorrow morning at eleven o'clock. —

Pursuant to adjournment the Court met this morning at the Capitol -

Present -

The Honorable John Marshall Chief Justice

	William Johnson	
	Gabriel Duvall	
The Honble	Joseph Story	Associate Justices
	Smith Thompson	
	John McLean	
	Henry Baldwin	

Henry Ashton Esquire Marshal
William Thomas Carroll Clerk -

Proclamation being made the Court is opened -

On motion first made to the Court in this behalf by Mr Berrien - It is ordered that Samuel Appleton Thorrow Esquire of the State of Virginia be admitted to practise as an attorney and counsellor of this Court and he was sworn accordingly -

John Winthrop Vail }	Mr Phoenix of counsel
vs } 34	for the Plaintiffs in
The Bank of United States }	Error in this cause having

filed the following suggestion in writing to wit: "It appearing by the opinion delivered by the Chief Justice in this case, that in the absence of one of its members the Court is equally divided upon the question of the

Tuesday. March 1st 1831 Continued.

compelling of Samuel Ferguson as a witness whose testimony was admitted before the Jury, and the Judgment of the Court below is therefore founded upon evidence which not being sanctioned as legal by a majority of this Court, would not have been admitted if the question could have been regularly presented here; and it appearing also that there is a diversity of opinion as to the correctness of the instructions given to the Jury the Plaintiff in Error respectfully moves and requests the Court to permit this cause to be re-argued by counsel at the bar, and to hear it again under the consideration of the Court & in pursuance thereof now here moves the Court to reverse, annul and set aside the Judgment and order of this Court entered in this cause on Saturday last the 25th day of February A.D. 1831 of the present term of this Court and for leave to counsel to reargue the same - Whereupon this court now here not being sufficiently advised of and concerning the Judgment and order to be rendered on said motion adjudge and order that the consideration of this motion be and the same is hereby Postponed. -

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27. James Theffand &c. vs. Tennel Taylor &c. | Mr Key of counsel for the respondents in this cause having filed the following suggestions in writing to wit

"The Supreme Court having announced their intention to send a special direction to the Circuit Court, stating the principles on which this case is to be finally settled, and the case on the Part of the

Tuesday - March 8th 1831 Continued.

apignes who are appellees having been prepared
mutually with a view to all the merits of
this Court on the Points which have been argued
and decided - They pray that they may be
allowed to offer further proof in the pleadings
Courts, either in this court or the Circuit Court
1st The expenses incurred by the owners in prose-
cuting this claim in Spain in order to procure
the Order of restoration - 2d The expenses of the
apignees in prosecuting the claim before the
Commissioners under the Florida Treaty -
3d The amount of the Compensation to which
the apignees are entitled for their services as
general agents for those interested in the Fund -
4th The said Appellees pray leave also to be
permitted to offer in evidence, either in
this Court or the Circuit Court the records
of the Proceedings against them in the said
Court sitting as a Court of Chancery in relation
to the Fund now in question, in which said
Proceedings the money received by them,
under the award of the Commissioners under
the Florida Treaty, was by order of the said
Circuit Court paid into Court by the afore-
said apignees and by the decree of the said Court
distributed among certain Claimants -
5th The said Appellees also pray to be permitted to
offer in evidence the record of the proceedings in
the Chancery Court of Maryland in relation to a
part of the said Fund, so that in case there should
be a conflict of the jurisdiction the record may be

Tuesday - March 1st 1831 Continued -

be made liable to pay the amount due on the both Bonds," in pursuance thereof now here moved the Court to rescind, annul and set aside the decree and order of this Court entered in this cause on Saturday the 19th day of February A.D 1831 of the present term of this Court and for leave to counsel to re-argue the same: Whereupon this Court not being now here sufficiently advised of and concerning the Judgment and order to be rendered on said motion, adjudge and order that the consideration of this motion be and the same is hereby Postponed. —

14.	The United States for the use of Thomas Robertson	The argument of this cause was continued by Mr Taney for the defendant and concluded by Mr Attorney General for the Plaintiff. —

15.	Delafield Insurance Company - Plaintiffs in Error vs James A. Southgate	The argument of this cause was commenced by Mr Meigs for the Plaintiff in Error. —

Proclamation being made the Court is adjourned until tomorrow morning at eleven Oclock. —

Pursuant to adjournment the Court met this morning at the Capitol -

Present -

The Honorable John Marshall Chief Justice.

	William Johnson	
	Gabriel Duvall	
The Honble	Joseph Story	Associate Justices
	Smith Thompson	
	John McLean	
	Henry Baldwin	

Henry Ashton Esquire Marshal
William Thomas Carroll Clerk

Proclamation being made the Court is opened.

Ex Parte -

3. Nathaniel Crane - On the motion of James Jackson & wife John Isaac Stelle & others and Nathaniel Crane, on motion for a Mandamus to the Circuit Court of the United States for the Southern District of New York in the Second Circuit.

On consideration of the motion made by Mr. Hoffman of counsel for the defendant in the above named suit in pursuance of a written notice given to the counsel for the Plaintiff and filed in court at which the counsel for the Plaintiff in error in said court appeared and served as well as by a written admission filed therewith, on Monday the 21st. day of February A.D. 1831 of the present term of this court for a writ of Mandamus to be awarded to the Circuit Court of the United States for the Southern District of

Wednesday. March 2d 1831 Continued.

New York in the Second Circuit commanding the said Circuit Court to review its Settlement of the proposed bill of exceptions mentioned in the affidavit and accompanying the Same and filed therewith, and to correct, Settle, allow and insert in the said bill the charge delivered by the said Court to the Jury on the trial of the said cause above named or the Substance thereof, and for such other and further order and relief in the premises as the court shall deem just and proper. Now now here considered, ordered and adjudged by this Court that the said motion be and the Same is hereby overruled and that the mandamus prayed for be and the Same is hereby refused.—

"J. M. L. C. J. Thos. Marshall"

Ex Parte—

4. Samuel Kelly.

In the matter of James Cockran & John Jacob Astor vs Samuel Kelly, on motion for a Mandamus to the Circuit Court of the United States for the Southern District of New York in the Second Circuit

On consideration of the motion made by Mr Hoffman of counsel for the defendant in the above named suit, in pursuance of a written notice given to the counsel for the Plaintiff and filed in court of which the counsel for the Plaintiff in open court admitted due service as well as by a written admission filed therewith, on Monday the 21st day of February A.D. 1831 of the present term of this Court for a writ of Mandamus to be directed to the Circuit Court of the United States for the Southern District of New York in the Second Circuit com-

Wednesday March 2nd 1831 Continued

manding the said Circuit Court to review its settlement of the proposed bill of exceptions mentioned in the affidavit and accompanying the same and filed therewith, and to correct Settle, allow and insert in the said bill the charge delivered by the said Court to the Jury on the trial of the said cause above named or the substance thereof; and for such other and further order and relief in the premises as the Court shall deem just and proper — It is now here considered ordered and adjudged by this Court that the said motion be and the same is hereby overruled and that the mandamus prayed for be and the same is hereby refused. —

Pr. Mr. Ch. Jus. Marshall

Ex parte —

3. Nathaniel Crane —

On the motion of James Jackson esqr. who moved this Court to issue a writ of mandamus to the Circuit Court of the United States for the South. District of New York in the second Circuit —

Mr Ogden moves the Court for an order directing the Clerk of this Court forthwith to issue the Precept of this Court certifying its Judgment & order entered in this case this day on the motion for a mandamus —

Whereupon it is considered and ordered by the Court that the Clerk do forthwith issue the Precept as prayed for —

Wednesday March 2d 1831 Continued.

Ex parte
Samuel Kelly
In the matter of James Jackson
to show John Lamb Esq to this
Court Samuel Kelly on motion for
a mandamus to the District
Court of the United States
for the Southern District of
New York in the Second Circuit.

Mr Ogden moved the Court
for an order directing the
Clerk of this Court forth-
with to issue the process
of this Court requiring
the Judgment & orders
entered in this cause
thus far on the motion
for a mandamus —
Whereupon It is considered
and ordered by the Court that the Clerk do forth-
with issue the process as prayed for. —

Delaware Insurance
Company - Piff in Er:
vs
45. James C Southgate.

The argument of this cause
was continued by Mr Thayer
for the Plaintiff in Error
and by Mr Stewart for the
Defendants in Error. —

Proclamation being made the Court is adjourned
until tomorrow morning at eleven Oclock. —

Thursday March 3d 1831.

Pursuant to adjournment the Court met this morning at the Capitol –

Present –

The Honorable	John Marshall	Chief Justice
The Honble	William Johnson Gabriel Duvall Joseph Story Smith Thompson John McLean Henry Baldwin	Associate Justices.

Henry Ashton Esquire Marshal
William Thomas Carroll Clerk. –

Proclamation being made the Court is opened. –

Josiah Lewis Francis Lewis and William Hamilton Exors and Executrix of William Lewis dec? and the said Josiah Lewis, Margaret Agard, Louisa Maynard and Lewis H Lawson Heirs and devisees of said Lewis and Richard Willing and Eliza M. Willing and Thomas L. Willing and Jane C. Willing Heirs and devisees of Charles Willing dec? –

Compltˢ and Appltˢ

vs

32. Humphrey Marshall Israel Pickett Henry Rucker, Edward Thomas James Hillock Walter McCormick William Barlow, James Kennedy and William Kennedy Heirs of David Kennedy dec? John Barlow Peter Hoffman John T. Sharp, Thos Jaffrin, John Goetz, Valentine Thurman and Sally C. Pruett

Eals Polly G. Kimbrough George W. Kimbrough Mary Kimbrough Polly B. Kimbrough and John W. Kimbrough heirs of Nathaniel Kimbrough dec'd by Pope Bashill their guardian, John Fowler, Thomas Ashbrook Lewis Bailey and Thomas Fletcher —

Respondents & Appellees —

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of Kentucky and was argued by counsel; On consideration whereof, It is ordered, adjudged and decreed by this Court that the decree of the said Circuit Court in this cause be and the same is hereby affirmed as to all the Respondents and Appellees except Kimbrough Marshall and Fowler, and as to him the said Marshall it is adjudged and decreed by this Court that the decree of the said Circuit Court be and the same is hereby reversed and that this cause be and the same is hereby remanded to the said Circuit Court for further Proceedings to be had therein as to the said Kimbrough Marshall, according to law and justice and in conformity to the opinion and decree of this Court And it is further adjudged and decreed by this Court that this cause be and the same is hereby remanded to the said Circuit Court for further Proceedings to be had therein as to the defendant Fowler who did not answer the bill and against whom there was no decree. —

"J. M. Mc Lean."

Thursday March 3d 1831 Continued.

34.	John Winthrop Jnr. Plff in Er. vs The Bank United States	On consideration of the motion made by Mr. Sprague of counsel for the Plaintiffs in Error in this cause on Tuesday the first day of March A.D. 1831 of this present term of this court for leave to re argue this cause &c — It is ordered and adjudged by this court that this motion be and the same is hereby overruled. —
58.	Abm Green Plff in Er. vs Tipton of Kenny Neal	On motion of Mr. Grundy suggesting that he had filed a written agreement of the counsel in this cause to continue the same. It is ordered and adjudged by this court that this cause be and the same is hereby continued to the next term of this court —
45.	Patapsco Insurance Company Plff in Er. vs Isaac Coit Pouchgale	The argument of this cause was continued by Mr. Stewart and Key for the Defendants in Error and concluded by Mr. Wirt for the Plaintiff in Error. —

Proclamation being made the Court is adjourned until tomorrow morning at eleven Oclock —

1831.

Friday - March 4th 1831.

Pursuant to adjournment the Court met this morning at the Capitol. —

Present

The Honorable John Marshall Chief Justice.

The Honble William Johnson
Gabriel Duvall
Joseph Story
Smith Thompson
John McLean
Henry Baldwin
Associate Justices

Henry Ashton Esquire Marshal
William Thomas Carroll Clerk —

Proclamation being made the Court is opened. —

47. John Smith & Hoff
vs
Robert Bell.
&
86. Daniel & Jerathen
vs Hoff in Er.
John B. C. Lucas —

Mr Taney of counsel for the Plaintiff in Error in No 86. Suggesting to the Court that all the Counsel interested in these respective cases had been consulted by him and had agreed to his proposition for substitution moved the Court to substitute No 86 for No 47 on the Calendar of this Court in the order of argument; Whereupon the court not being now sufficiently advised of the Judgment and order to be rendered on said motion doth order and adjudge that the consideration of the motion be and the same is hereby postponed. —

48.	Charles Ewing Exr vs Jeffm Etc Drake & Mitchell	The argument of the cause was continued by Mr Bayard for the plaintiff in Error and continued by Mr Mitchell for the Defendants in Error.

Proclamation being made the Court is adjourned until tomorrow morning at eleven o'clock.

Saturday March 5th 1831. —

Pursuant to adjournment the Court met this morning at the Capitol. —

Present. —

The Honorable John Marshall Chief Justice

The Hon'ble | William Johnson, Gabriel Duvall, Joseph Story, Smith Thompson, John McLean & Henry Baldwin | Associate Justices

Henry Ashton Esquire Marshal

William Thomas Carroll Clerk. —

Proclamation being made the Court is opened. —

48.	Charles Edmonston & al Plff in Er vs Lake & Mitchell	The argument of this cause was concluded by Mr Clark for the plaintiff in Error. —

47	John Smith Plff vs Robert Beall. &	On consideration of the motion made by Mr Dunlop of counsel for the plaintiff in Error in No 86. on Yesterday, to substitute No 85 for No 47 on the Calendar of this Court in the order of argument. It is considered and
86.	Daniel F. Strother Plff in Er vs John B. C. Lucas	ordered by the Court that the said Motion be and the same is hereby overruled, and that these causes continue in their present position on the Docket. —

Saturday March 5th 1831 Continued.

30. Sefus of Robt & Scott Plff in Err vs Silas Ratcliffe def in Err — Mr Key of counsel for the Plaintiff in Error suggesting to the Court that he has not received the additional evidence effected in this cause, moved the Court to suspend entering their Judgment in this cause during the present term of this court and to continue said cause to the next Term — Whereupon this court not being sufficiently advised of and concerning the Judgment and order to be rendered on said motion now here order and adjudge that the consideration of this motion be and the same is hereby postponed. —

47. John Smith Plff vs Robert Bell — Mr Key of counsel for the Plaintiff in Error in this cause suggesting to the Court that Mr Grundy his associate counsel was desirous to have this cause continued moved the court to continue the same — Whereupon it is and ordered by the Court that this cause be and the same is hereby continued to the next Term. —

64. John Taylor Plff in Er vs Edward Thompson — Mr Key of counsel for the Defendant in Error Leaving suggested the death of John Taylor the Plaintiff in Error and filed the affirmance

Saturday - March 5th 1831 Continued.

consent of Mr Jones of counsel for the Plaintiff in Error to this effect now has come the court that Benjamin Ogle Taylor, William Henry Taylor, Edmund Thornton Taylor, George Plater Taylor, Henry Augustine Taylor, Charles Taylor Henry G. F. Fry and Henrietta his wife, James Baker and Catherine his wife Robert Carter and Elizabeth his wife, Virginia Taylor, Anne Taylor and John Taylor heirs at law of John Taylor deceased be made parties to this writ of error and that the order of court be entered nunc pro tunc as of the first day of the present term of this Court. Whereupon it is considered and ordered by the Court that Benjamin Ogle Taylor, William Henry Taylor George Plater Taylor Henry Augustine Taylor, Charles Taylor, Edmund Thornton Taylor, Henry G. F. Fry and Henrietta his wife, James Baker and Catherine his wife, Robert Carter and Elizabeth his wife, Virginia Taylor, Anne Taylor and John Taylor heirs at law of John Taylor deceased be and they are hereby made parties to this writ of error and that this order be entered nunc pro tunc as of the first day of this term, Viz: of the 10th day of January A.D. 1831. —

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41. The United States for the use of Thomas Tingey | Mr Jones of counsel for the defendant in Error having suggested the death of Thomas Tingey the defendant in Error now here moved the Court that Benjamin L. Lear Administrator of said Thomas Tingey be made a party to this cause and that the order of court be entered

nunc pro tunc as of the first day of this term — Whereupon it is considered and ordered by the Court that Benjamin L Lear administrator of Thomas Singer deceased be made a party to this suit of error and that this order be entered nunc pro tunc as of the first day of this term to wit, of the tenth day of January A.D. 1831. —

The Cherokee Nation vs Complt. The State of Georgia	Bill in Equity Filed May 22d 1831 —

Mr. Sergeant Solicitor for the Complainant now here in open Court read the bill filed in this cause and moved the Court for writs of subpoena and Injunction as prayed for in the said Bill — Whereupon this Court not being now here sufficiently advised of and concerning the Judgment and order to be rendered on this motion doth adjourn and now that the consideration of this motion be and the same is hereby postponed. —

The State of New Jersey vs Complt. The People of the State of New York. —	In Equity. —

Mr. Wirt Solicitor for the Complainant moved the Court to award commissions to take depositions — Whereupon this Court not being now here sufficiently advised of and concerning the Judgment and order to be rendered

Saturday - March 5th 1831 Continued.

that the consideration of this motion be and the same is hereby postponed. -

Proclamation being made the Court was adjourned until Monday morning at eleven o'clock. -

Monday March 5th 1838

Pursuant to adjournment the Court met this morning at the Capitol —

Present

The Honorable John Marshall Chief Justice

The Honble: William Johnson, Joseph Story, Smith Thompson, John McLean & Henry Baldwin — Associate Justices —

Henry Ashton Esquire Marshal
William Thomas Carroll Clerk

Proclamation being made the Court is opened —

69. The Proprietors of the Charles River Bridge &c. vs The Proprietors of the Warren Bridge &c. — The argument of this cause was commenced by Mr Sullen for the Plaintiffs in Error —

5. Antonee Soulard's Heirs vs The United States — The Court not being now sufficiently advised of and concerning the errors and Judgment to be rendered in this cause doth order and adjudge that the same be held under advisement and that said cause be and the same is hereby continued to next term —

1839.

Monday March 4th 1839 Continued.

10.	John Smith Jr. Appellt vs The United States.	The Court not being now here sufficiently advised of and concerning the order and Judgment to be rendered in this cause doth order and adjudge that the same be held under advisement and that said cause be and the same is hereby continued to next term. —
36.	Henry Miller's Exrs vs Appellts John & Jacob McIntyre	On consideration the Court doth order and adjudge that this cause be and the same is hereby continued to the next term of this court for argument. —

Proclamation being made the Court is adjourned until tomorrow morning at eleven o'clock. —

Tuesday March 8th 1831.

Pursuant to adjournment the Court met this morning at the Capitol. —

Present

The Honorable	John Marshall	Chief Justice
	William Johnson	
	Joseph Story	
The Hon'ble	Smith Thompson	Associate Justices
	John McLean	
	Henry Baldwin	

Henry Ashton Esquire Marshal
William Thomas Carroll Clerk.

Proclamation being made the Court is opened —

37. Pierre Menard Pltff in Er
vs
Aspasia pr mulatto

This cause came on to be heard on the transcript of the record from the Supreme Court of the State of Missouri and was argued by counsel on consideration whereof it is the opinion of this Court that it cannot entertain jurisdiction of this cause — Whereupon it is ordered and adjudged by this Court that the writ of error in this cause be and the same is hereby dismissed for want of Jurisdiction. —

"P. M. Smi. M. Lean."

Tuesday - March 8th 1831 Continued. -

John Doe on the demise of James B. Clarke, John Bryan Maxwell, Anna Maria Maxwell and Eliza Bryan Grant heirs & representatives of John Bryan dec'd
Abraham Schuyler Nelson and Catherine his wife Theodosia Grant Thomas R. Grant & John B. Grant -

pltff in Error

35

vs

John Courtney, John Kalston, John Hayden, Peter Tilley, Benjamin Talley, Lawrence Courtney, William Tyson, Ben. Conrad, Andrew Gardner, Catherine Conrad, James Brown, Aquilla Perkins, Charles Courtney, Thomas Corbett, Christopher Mapselman, Benjamin Taulton, Jacob Kreger, Nathan Kerr, James Hughes, William Kinton, John Vance, John Gillum, Richard Hays, Patrick Watson, Charles Hales, John Peake, Richard Summers, Isom Fields, Zephaniah Peck, Thomas Peck, Hugh Beard, John Hinton, Henry Stubbs, Jeremiah Stubbs, Peter Newman & Zachariah Kreger, Peter Newman Sen. Mary Hamilton, Thomas Read, Thomas Hampton, William Hamilton, Samuel McLean, William Kerr, Parker Taulton, Aaron Milner, Bethuel McLean, Joseph Milner, Arthur McLean, Jonathan McLean, Jonathan Edmunds, Hope Moore, Michael Kerr, Vincent Milner, Reuben Kreger, Nicholas Miller, Joseph McLean, Martin Odor, John Coulson, Joseph Odor, Jeremiah Morgan, Sarah Lane, and Robert Parnes - Defts in Error.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of Kentucky and was argued by counsel. On consider-

Tuesday March 8th 1831 Continued.

ation thereof - It is considered by the Court here that there was error in the said Circuit Court in admitting the testimony of Moses D Miller under the circumstances set forth in the first bill of exceptions - And it is further considered that there was error in the Circuit Court in refusing to instruct the Jury upon the motion of the Plaintiff that the instrument stated in the second Bill of exceptions under the proof did not bind the Plaintiff, and could not bar his recovery; and in instructing the Jury that the relinquishment stated in the same bill of exceptions for forty nine thousand nine hundred and fifty two acres of the premises thereof was satisfactorily proved was a bar to the recovery of all the land described in said relinquishment as set forth in the same Bill of Exceptions - But there is no error in the Court in refusing to instruct the Jury at the motion of the Plaintiff that the possession of the defendants was no bar to the Plaintiffs action, and that the Statute of limitations could only protect the defendants to the extent that they had actually enclosed their respective tenements and occupied for twenty years preceding the commencement of the suit, as set forth in the third Bill of exceptions; and that there was no error in the Court in giving the instruction to the Jury set forth in the same Bill of Exceptions, in the manner and under the circumstances therein set forth. And it is further considered by the Court here that

Tuesday March 8th 1831 Continued.

for the errors aforesaid the Judgment of the said Circuit Court be and the same is hereby reversed, and the cause be remanded to the said Circuit Court with directions to award a venire facias de novo. —

J. M. Lts. Story

The Proprietors of the Charles River Bridge - Plffs in Er.
vs
The Proprietors of the Warren Bridge Defts in Er.

69.

The argument of this cause was continued by Mr. Dutton for the Plaintiffs in Error and by Mr. Jones for the Defendants in Error. —

Proclamation being made the Court is adjourned until tomorrow morning at eleven oclock. —

Wednesday March 9th 1831.

Pursuant to adjournment the Court met this morning at the Capitol.—

Present.

The Honorable John Marshall Chief Justice

The Hon'ble: William Thomson, Joseph Story, Smith Thompson, John McLean, Henry Baldwin — Associate Justices

Henry Ashton Esquire Marshal

William Thomas Carroll Clerk.—

Proclamation being made the Court is opened.—

69. The Proprietors of Charles River Bridge Plffs in Er vs The Proprietors of the Warren Bridge Defts. — —

The argument of this cause was continued by Mr Jones for the defendants in Error.

Proclamation being made the Court is adjourned until tomorrow morning at eleven o'clock.—

Thursday March 10th 1831.

Pursuant to adjournment the Court met this morning at the Capitol.—

Present.—

The Hon'ble John Marshall Chief Justice
William Johnson
Joseph Story
The Hon'ble Smith Thompson } Associate Justices.
John M'Lean
Henry Baldwin

Henry Ashton Esqre Marshal
William Thomas Carroll Clerk.—

Proclamation being made the Court is opened.—

39. Luke Tiernan, David Williamson Jr. and Charles Tiernan Plaintiffs in Error
vs
James Jackson

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of Maryland and was argued by Counsel, On consideration whereof It is considered by the Court here that there was error in the Circuit Court in refusing to instruct the Jury upon the prayer of the defendants counsel that the assignment made by Thomas H. Fletcher dated the 21st of May 1817 and acknowledged and delivered on the 26th of May 1817 and endorsed on the copy of the Invoice as stated in the evidence and such Bill such a legal title to any part of the proceeds of the Tobacco shipped by the Brig Struggle, as will

enable the Plaintiff to suffer that action in his own name - And in instructing the Jury that such an assignment connected with the character of the Consignment of the Cargo of the Struggle to the defendants was sufficient to enable the Plaintiff to suffer that action in his own name - And that was erroneous in the Circuit Court in refusing to instruct the Jury that the Invoice, Letter of advice and Bill of Lading taken together do not constitute such a special appropriation of the cargo of the Brig Struggle or of the Proceeds thereof to the order of Thomas Mr Fletcher, as will enable his assignee in this case to maintain this action in his own name upon the assignment of - May 21st 1819 -

It is therefore considered by the Court here that for the errors aforesaid the Judgment of the Circuit Court be and the same is hereby reversed; and that the cause be and the same is hereby remanded to the Circuit Court with directions to award a venire facias de novo.

"P. V. Thos Pleas"

Henry Millard Exrs &c
vs Appts
and I. M. Intire

36.

Mr Goddridge of counsel for the Appellants suggesting to the Court that his Rule of March Court precluded him from arguing this cause at the present term of this court having been recently employed in it, moved the Court to continue said cause to the next term of this court. Whereupon it is considered

Thursday - March 10th 1831 Continued.

and ordered by the Court here that this cause be and the same is hereby continued to the next term of this Court as prayed for. -

63. Samuel Boardman Jun. vs. Jeffs in Er. / George T. M'Call Jun. | Mr. Doddridge of counsel for the defendants in Error in this cause suggesting to the Court that the present state of his health precluded him from arguing this cause at the present term of this court, moved the Court to continue said cause to the next term of this court, to which Mr. Wirt of counsel for the plaintiffs in error assented - Whereupon it is considered and ordered by the Court here that this cause be and the same is hereby continued to the next term of this court as prayed for. -

78. The United States vs. Thomas G. Ruburn | Mr. Attorney General on the part of the United States suggesting to the court here that it was desirable to the Government that this cause should be tried during the present term of this court, now here moved the Court to fix a day certain for the argument of this cause - Whereupon this Court not being now here sufficiently advised of and concerning the Judgment and order to be rendered on this motion, doth order and adjudge that the consideration of this motion be and the same is hereby postponed. -

79.	The United States vs John L. Dawson	Mr Attorney General on the part of the United States suggesting to the Court here that it was desirable to the Government that this cause should be tried during the present term of this Court, now here moved the Court to fix a day certain for the argument of this cause, Whereupon this Court not being now here sufficiently advised of and concerning the Judgment and order to be rendered on this motion, doth order and adjudge that the consideration of this motion be and the same is hereby postponed. —
80.	The United States vs Zalegman Phillips	Mr Attorney General on the part of the United States suggesting to the Court here that it was desirable to the Government that this cause should be tried during the present term of this Court, now here moved the Court to fix a day certain for the argument of this cause — Whereupon this Court not being now here sufficiently advised of and concerning the Judgment and order to be rendered on this motion, doth order and adjudge that the consideration of this motion be and the same is hereby postponed. —

Thursday March 10th 1831 Continued.

115.	The United States vs George Wilson	Mr. Attorney General on the part of the United States Suggesting to the Court here that it was desirable to the government that this cause should be tried during the present Term of this Court, now here moved the Court to fix a day certain for the argument of this cause. Whereupon this Court not being now here sufficiently advised of and concerning the Judgment and order to be rendered on this motion, doth order and adjudge that the consideration of this motion be and the same is hereby Postponed. —
69.	The Proprietors of Charles River Bridge - Plaintiffs in Error vs The Proprietors of the Warren Bridge et al	The argument of this cause was continued by Mr Wirt for the defendants in Error. —

Proclamation being made the Court is adjourned until tomorrow morning at eleven o'clock —

Pursuant to adjournment the Court met this morning at the Capitol —

Present.

The Honorable John Marshall Chief Justice

The Hon'ble | William Johnson, Joseph Story, Smith Thompson, John McLean, Henry Baldwin | Assoc. Justices

Henry Ashton Esquire Marshal
William Thomas Carroll Clerk —

Proclamation being made the Court is opened.

544 The United States. vs. Thomas Robertson. This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the fourth Circuit and District of Maryland and was argued by counsel; On consideration whereof, and of the questions proposed to that Court on which the Judges thereof were opposed in opinion and which were therefore certified to this Court for decision, it is ordered that the following certificate be transmitted to the said Circuit Court —

On the first question propounded by the counsel for the United States and also on the first question propounded by the counsel for the defendant this Court is of opinion —

Friday March 11th 1831 Continued.-

That the obligors undertook for the faithful performance, by the President and Directors, of the contract recited in the condition of the bond on which the suit is instituted, and not for their own conduct as individuals; and that they are responsible for any failure on the part of the Bank to perform that engagement. -

On the Second and Sixth questions propounded by the Plaintiffs this Court is of opinion that the Statement of the condition of the Bank of the 11th of May 1830, which appears in the record, is evidence to be submitted to the Jury who are to Judge on the whole testimony how far the estate of the Bank was at that time sufficient to pay the debt due to the United States, and if any part of that estate has been wasted or misapplied by the Corporate body or their agents, or has been appropriated unnecessarily to any purpose other than towards the debt of the United States or is otherwise unaccounted for, the defendant is responsible for such misapplication or waste, and for any sum not accounted for. -

On the third and fourth questions propounded by the Plaintiffs this Court is of opinion that the obligors did not undertake by their bond to call in the debts due to the Bank. that duty was to be performed by the President and directors of the Bank, for whose faithful performance of it the obligors are responsible. -

The Court does not perceive the application of the fifth question to the part of the

Plaintiffs to the cause, unless the President and Directors of the Bank be considered as the obligors, which idea is negatived in the answer to the first question. The obligors had no power to bring actions against the debtors of the Bank in the State Courts.-

On the Seventh question propounded by the Plaintiffs this Court is of opinion that the attachments at the suit of the United States which have been laid in the hands of the debtors to the Bank of Somerset prior to the date of the bond seized the debts in the hands of such debtors, to the sum remaining due after deducting the legal offsets against the Bank then in the hands of such debtors. This Court gives no opinion as to the money or paper in which the sum so remaining due was demandable.-

The Eighth instruction required by the Plaintiffs ought not to have been given as prayed.-

The ninth question is answered in the opinion given by this Court to the preceding enquiries.-

On the tenth question propounded by the Plaintiffs and the second propounded by the defendant this Court is of opinion that the Bank is liable for the money received by Charles Jones as their Collector and the defendant is liable therefor as their Surety, but that the Bank is not liable for the money which came to his hands as Sheriff unless the President and directors were guilty of negligence in using the appropriate means to extricate out of his hands in reasonable time

Friday March 11th 1831 Continued.

On the eleventh question propounded by the Plaintiffs and the sixth propounded by the defendant this court is of opinion that it was the duty of the President and Directors to collect the debts due to the Bank. — In the performance of this duty it might be necessary to purchase property pledged to the Bank which was subject to prior liens, and to relieve such property from its prior incumbrances, in order to avoid a total loss of the debt. This may have been advantageous or may have been disadvantageous to the United States. —

We think the transaction with all its circumstances ought to be submitted to the Jury, and that the liability of the defendant can in no event can exceed the actual loss sustained by the United States in consequence of the Bank's having taken the property by discharging the prior incumbrances instead of suing the debtor in the State Court. —

On the twelfth question propounded by the Plaintiffs and the seventh propounded by the defendant this court is of opinion that the President and Directors of the Bank of Somerset had no power over the Judgment of the United States. They could therefore proceed only in the State Courts and are entitled to credit for such necessary expenses as were incurred in such suits as it was prudent to bring. —

On the thirteenth question propounded by the Plaintiffs this court is of opinion that the propriety of allowing the commissions paid to William Lyon, depends on their reasonableness. —

On the fourteenth and fifteenth questions proposed by the Counsel for the Plaintiffs the Court is of opinion that the instructions ought to have been given as asked, except so much of the fourteenth as states it to have been the duty of the obligors instead of the President and directors to represent these debts, and so much as supposes a power to proceed by the legal process of attachment in the name of the United States; and except so much of the fifteenth as supposes a power in the defendant to apply the funds of the Bank.

The Court is of opinion that the third fourth and fifth instructions moved by the Counsel for the defendant ought to be given as asked except so much of the fifth as submits to the Jury the question on the Power of the Bank to use the attachments issued from the district Court of the United States.

All which is to be certified to the Circuit Court for the fourth Circuit and District of Maryland — Test. W. Thos. Marshall Clk.

78. The United States (to) Thomas G. Reyburn

On consideration of the motion made yesterday in this cause by Mr. Attorney General suggesting that it was desirable to the Government whom he represented that this cause should be tried during the present term of this court and his prayer filed in this cause that an entry may be obtained for the

Friday March 11th 1831 Continued:-

hearing of the same - It is now here considered and ordered by the Court that this cause be and the same is hereby set for argument during the present term of this court, for which the Attorney General is to name a day certain and give notice to the counsel opposed to him. -

79. The United States vs John A. Quincy

On consideration of the motion made yesterday in this cause by Mr. Attorney General suggesting that it was desirable to the Government whom he represented that this cause should be tried during the present term of this court, and his prayer filed in this case that a day certain may be assigned for the hearing of the same - It is now here considered and ordered by the Court that this cause be and the same is hereby set for argument during the present term of this court, for which the Attorney General is to name a day certain and give notice to the counsel opposed to him. -

43 The United States vs Jarleyman Phillips

On consideration of the motion made yesterday in this cause by Mr. Attorney General suggesting that it was desirable to the Government whom he represented that this cause should be tried during the present term of this court, and his prayer filed in this case that a day certain may be assigned for the hearing

Friday March 11th 1831 Continued.—

ordered by the Court that this cause be and the same is hereby set for argument during the present term of this Court, for which the Attorney General is to name a day certain and give notice to the Counsel opposed to him.—

* insert—

115.	The United States vs George Wilson	Mr. Attorney General of Counsel for the Plaintiffs prays leave to insert the following written suggestion and motion viz: "It being suggested to the Court that copies of the Indictment against the above named George Wilson for robbing the mail by putting the life of the driver in jeopardy and also of the Indictment against the same George Wilson for obstructing the mail, are necessary in the consideration of the questions, stated in this certificate and the three Indictments in relation to the robbery of the Kimberton Mail"— And on motion of the Attorney General, It is ordered by the Court here that the Clerk of the said Circuit Court, do cause certified copies of the said Indictments, to be sent to this Court, to be annexed to the Statement in this case together with any further Statement of the facts of the case as they appeared to the Circuit Court on the motion of the District Attorney for Sentence" The Court doth now here adjudge and order that the motion as prayed for be and the same is

Friday March 11th 1831 Continued —

The Proprietors of the Charles River Bridge pltffs in Er. vs The Proprietors of the Warren Bridge & al. ———	The argument of this cause was concluded by Mr Webster for the Plaintiffs in Error —

Proclamation being made the Court is adjourned until tomorrow morning at eleven Oclock —

X in error The United States vs George Wilson	On consideration of the motion made yesterday in this cause by Mr Attorney General suggesting that it was desirable to the Government whom he represented that this cause should be tried during the present Term of this court, and this prayer filed in this case that a day certain may be assigned for the hearing of the same — It is now here considered and ordered by the court that this cause be and the same is hereby set for argument during the present term of this court for which the Attorney General is to name a day certain and give notice to the counsel opposed to him. —

Saturday . March 12th 1831.

Pursuant to adjournment the Court met this morning at the Capitol.—

Present.

The Honorable John . Marshall Chief Justice.

The Hon'ble William Johnson / Joseph Story / Smith Thompson / John M'Lean / Henry Baldwin — Associate Justices

Henry Ashton Wagner Marshal

William Thomas Carroll Clerk.—

Proclamation being made the Court is opened.—

William Foule, surv.g Part. &c. Applt
vs
James Lawrasons Exrs

23.

Mr. Swann of counsel for the Appellee moved the Court to change the order for dismissing the Bill rendered in this cause on Saturday January 22nd 1831 of the present term of this court, and to remand the cause to the Circuit Court of the United States for the District of Columbia holden in and for the County of Alexandria for further proceedings so as to enable the Complainant to amend the Bill. Whereupon this Court not being now here sufficiently advised of and concerning the Judgment and order to be rendered on the motion doth order and adjudge that the consideration of this motion be and the same is hereby postponed.—

Friday March 11th 1831 Continued —

67.	The Proprietors of the Charles River Bridge pltffs in Er. vs The Proprietors of the Warren Bridge & al. ———	The argument of this cause was concluded by Mr. Webster for the Plaintiffs in Error.

Proclamation being made the Court was again adjourned until tomorrow morning at eleven Oclock.—

113.	The United States vs George Wilson	On consideration of the motion made yesterday in this cause by Mr. Attorney General suggesting that it was desirable to the Government whom he represented that this cause should be tried during the present term of this court and this prayer filed in this case that a day certain may be assigned for the hearing of the same. It is now here considered and ordered by the court that this cause be and the same is hereby set for argument during the present term of this court for which the Attorney General is to name a day certain and give notice to the counsel opposed to him —

Saturday . March 12th 1831.

Pursuant to adjournment the Court met this morning at the Capitol.—

Present.

The Honorable John Marshall Chief Justice.

The Hon'ble William Johnson, Joseph Story, Smith Thompson, John M'Lean, Henry Baldwin — Assoc. Justices.

Henry Ashton Esquire Marshal

William Thomas Carroll Clerk.

Proclamation being made the Court is opened.

William Fowle, surv.g Part. &c — Applt

vs

James Lawrason's Exors

23.

Mr Swann of counsel for the Appellees moved the Court to change the order for dismissing the Bill rendered in this cause on Saturday January 22nd 1831 of the present term of this court, and to remand the cause to the Circuit Court of the United States for the District of Columbia holden in and for the County of Alexandria for further proceedings so as to enable the complainant to amend the Bill. Whereupon this Court not being now here sufficiently advised of and concerning the Judgment and order to be rendered on this motion doth order and adjudge that the consideration of this motion be and the same is hereby postponed.—

Saturday March 12th 1831 Continued.

The Cherokee Nation vs. The State of Georgia	In Equity. —

Mr Sergeant of Counsel for the Complainants now proceeded to argue this cause in support of the motion made by him in this cause on last Saturday for writs of Injunction and Subpoena. —

Proclamation being made the Court is adjourned until Monday Morning at eleven o'clock. —

Pursuant to adjournment the Court met this morning at the Capitol.

Present

The Honorable John Marshall Chief Justice
William Johnson
Joseph Story
The Assoc. Judges. Smith Thompson
John M. Lean
Henry Baldwin

Henry Ashton Esquire Marshal
William Thomas Carroll Clerk

Proclamation being made the Court is opened.

48. Charles Edmondson vs Jeffreys
James Drake
Solon Mitchell

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of South Carolina and was argued by Counsel. On consideration whereof It is ordered and adjudged by this Court that the Judgment of the said Circuit Court in this cause be and the same is hereby reversed and that this cause be and the same is hereby remanded to the said Circuit Court with instructions to award a venire facias de novo.

Ord. M. Ch. Jus. Marshall

Monday March 14th 1831 Continued.

John Doe on the demise of Robert G. Scott, and Susanna his wife and James G. Madison. -

Jeff in Error. -

30 (U.S.)

Silas Ratcliffe, Thomas Owings, John Owings, James Hankin, Samuel Mars, Reuben G. Clarke, Henry Worthington, Rebecca Ford, Stephen Ratcliffe, Daniel Gunnin, Jackson Buckley, Jordan Clay, Jubal Justice and Henry Sword. - Jeff in Error.

This cause came on to be heard on the transcript of the record of the Circuit Court of the United States for the Seventh Circuit and District of Kentucky and was argued by Counsel; On consideration whereof, this Court is of opinion that there is error in the proceedings and Judgment of the said Circuit Court in this that the testimony of Mr. Phipps a witness in the said cause was totally excluded Whereas the same ought to have been admitted so far as it tended to prove the death of James Madison the testator of the Plaintiffs, Therefore it is considered, ordered and adjudged by this court that the said Judgment be and the same is hereby reversed and annulled, and that the cause be and the same is hereby remanded to the said Circuit Court with directions to award a venire Facias de novo. -

Jno. Mc. Ch. Jus. Marshall.

Monday March 14th 1831 Continued.

The Cherokee Nation vs Compt The State of Georgia	In Equity. – The argument of this cause in support of the motion made by Mr Sergeant on Saturday the fifth day of March A.D. 1831 of the present term of this court for writs of Injunction and Subpoena was concluded by Mr Clark of counsel for the Complainants. –
79. The United States. vs John A Dunay	The argument of this cause was commenced by Mr H. Hoffman for the Plaintiff. –

Proclamation being made the Court is adjourned until tomorrow morning at eleven Oclock. –

Tuesday March 15th 1831.

Pursuant to adjournment the Court met this morning at the Capitol —

Present —

The Honorable John Marshall Chief Justice —

The Hon'ble { William Johnson, Joseph Story, Smith Thompson, John McLean & Henry Baldwin } Associate Justices —

Henry Ashton Esquire Marshal
William Thomas Carroll Clerk —

Proclamation being made the Court is opened —

45. The Patapsco Insurance Company — Plff in Error —
vs
John Southgate and Wright Southgate, merchants trading under the Partnership name and firm of John and Wright Southgate ——

This cause came on to be heard on the transcript of the record of the Circuit Court of the United States for the District of Maryland and was argued by counsel. On consideration whereof; It is considered and ordered and adjudged by this Court that the Judgment of the said Circuit Court in this cause be and the same is hereby affirmed with costs and damages at the rate of six per centum per annum. —

J. M. Js. Thompson"

Tuesday March 15th 1831 Continued.

24.	James Jackson on the demise of Martha Bradstreet — vs Jeff in Er. Henry Huntington.	This cause came on to be heard on the transcript of the record from the District Court of the United States for the Northern District of New York, and was argued by counsel; On consideration whereof, It is considered, ordered and adjudged by this Court that the Judgment of the said District Court in this cause be and the same is hereby affirmed with costs. — "Fr. M. Jus. Johnson."
37.	Elisha R. Potter. Appt vs Hannah Gardner &c. —	The argument of this cause was commenced by Mr. Pierce for the Appellant continued by Mr. Burnham and Webster for the Appellees and concluded by Mr. Pierce for the Appellant. —

Proclamation being made the Court adjourned until tomorrow morning at eleven o'clock —

Wednesday March 16th 1831.

Pursuant to adjournment the Court met this morning at the Capitol.—

Present

The Honorable John Marshall Chief Justice.—

The Hon'ble. William Johnson, Joseph Story, Smith Thompson, John M'Lean & Henry Baldwin | Associate Justices.

Henry Ashton Esquire Marshal
William Thomas Carroll Clerk.—

Proclamation being made the Court is opened.—

69. The Proprietors of the Charles River Bridge — Plffs in Er. vs. The Proprietors of the Warren Bridge & others. — —

This cause came on to be heard on the transcript of the record from the Supreme Judicial Court for the State of Massachusetts and was argued by Counsel;

On consideration whereof, this not being now here sufficiently advised of and concerning the Judgment to be rendered in this cause doth now here order that this cause be held under advisement and that the same be continued to the next Term of this Court.—

"Jno. M. Ch. Jus. Marshall."

Wednesday March 16th 1831 Continued.

	James Sheppard Val	Supplemental Order -
27.	vs Appl'd	
	Samuel Taylor Val	And now upon another and subsequent day of said January Term upon hearing the written motion made in behalf of the appellees who are respondents in the said cause and the argument thereon by the parties, It is further ordered, adjudged and decreed by this court that the said appellees shall be allowed in taking an account of the funds in their hands to deduct therefrom a proportion, pro rata of the disbursements and expenses, which have been actually incurred by them in prosecuting their claim before the Commissioners under the Florida Treaty in the proceedings mentioned, and also shall be allowed to deduct therefrom two and one half per cent commission as a compensation for their services in and about the prosecution thereof as aforesaid, and for this purpose they shall be allowed to produce new proofs before the said Circuit Court, and any Commissioner appointed by the said Court to take an account in the premises. But the parties respondents shall not be at liberty to adduce any proof of a be allowed to account from said funds any expenses a disbursements or charges incurred by the owners of the said Ship Warren in Spain or otherwise in order to procure the Royal Order of restoration in the said proceedings mentioned.. And it is further ordered adjudged and decreed that the said appellees

Wednesday - March 16th 1831 Continued.

shall be at liberty to offer in evidence the proceedings in the said Chancery suit in the said written motion mentioned in the said Circuit Court and before the Commissioner aforesaid, reserving to the said Circuit Court and Commissioner respectively the full right and liberty to Judge whether the same suit or either of them are properly admissible or competent as evidence in any matter before the said Court or Commissioner upon the further proceedings in this cause to be had in the said Circuit Court. "P. M. Sus. Stay."

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73 The Mayor &c of New Orleans vs The United States. — On motion of Mr Livingston of Counsel for the Appellants and by consent of Mr Attorney General of Counsel for the Appellees. Ordered that this cause be submitted to the consideration of the Court on the transcript of the record. —

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92 The United States vs Zalegman Phillips. — Mr Phillips moved the Court to dismiss this cause, which was opposed by Mr Attorney General. On consideration whereof the court not being now here sufficiently advised of and concerning the Judgment to be rendered on this motion doth order and adjudge that the consideration of the same be and the same is hereby postponed. —

Wednesday March 16th 1831. Continued.-

92.	The United States vs Zaligman Phillips	The argument of this cause was commenced by Mr Attorney General for the Plaintiffs and continued by Mr Phillips for the Defendant. -

Proclamation being made the Court adjourned until to morrow morning at eleven oclock -

Thursday March 17th 1831.

Pursuant to adjournment the Court met this morning at the Capitol. —

Present

The Honorable John Marshall Chief Justice

	William Johnson	
	Joseph Story	
The Honble.	Smith Thompson	Associate Justices
	John McLean	
	Henry Baldwin	

Henry Ashton Esquire Marshal

William Thomas Carroll Clerk. —

Proclamation being made the Court is opened. —

The Mayor, Aldermen and Inhabitants of New Orleans	This cause came on to be heard on the transcript of the record from the District Court of the United States for
73 vs Appellee	
The United States —	

the Eastern District of Louisiana and was argued by Counsel; On consideration whereof, It is ordered, adjudged and decreed by this Court that the decree of the said District Court in this cause be and the same is hereby reversed and that this cause be and the same is hereby remanded to the said District Court for such further proceedings to be had therein as to law and justice may appertain. —

"J. M. Ch. Jus Marshall."

92. The United States vs Zalegman Phillips

On consideration it is now here ordered by the Court that the argument of this cause be suspended and that this cause be and the same is hereby continued to the next term of this Court. –

Rule No. 37.

1. In all cases the Clerk shall take of the Plaintiff a bond with competent security to respond to costs in the Penalty of Two Hundred dollars or a deposit of that amount to be placed in Bank subject to his draft.–
2. In all cases the Clerk shall have Fifteen copies of the records printed for the Court, prove- and the Government will admit the item in the expenses of the Court. –
3. In all cases the Clerk shall deliver a copy of the Printed record to each party. And in cases of dismission (except for want of Jurisdiction) or affirmance one copy of the record shall be taxed against the Plaintiff, which charge includes the charge for the copy furnished him. In case of reversal or dismission for want of jurisdiction each party shall be charged with one half the legal fee for a copy. –

Proclamation being made the Court is adjourned until tomorrow morning at eleven o'Clock. –

Friday March 18th 1831.

Pursuant to adjournment the Court met this morning at the Capitol. -

Present -

The Honorable John Marshall Chief Justice.

The Hon'ble. | William Johnson, John McLean & Henry Baldwin | Associate Justices.

Henry Ashton Esquire Marshal
William Thomas Carroll Clerk. -

Proclamation being made the Court is opened. -

57. Elisha R. Potter Appt. vs Hannah Gardner Adm'x. -

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of Rhode Island and was argued by counsel, On consideration whereof this Court is of opinion, that there is error in so much of the decree of the said Circuit Court, as subjects Elisha R. Potter to the payment of interest from the 16th October 1820 and that said decree be reversed and annulled - And this cause is remanded to the said Circuit Court with directions to enter a decree that the said Elisha R. Potter pay into the Registry of the Circuit Court within thirty days from the next term of that Court, the sum of three thousand nine hundred and twenty nine dollars and sixty two cents, with interest from the 25th March 1822. to be paid

over to the Complainants, or to the executors of Peleg Gardner under the directions of that Court and unless Payment be made within thirty days, that the Complainants have execution thereof. And that the said Court also enter a decree, that Eliska W. Gardner, do Pay into the Registry of the Court subject to the order within thirty days as aforesaid, the sum of One thousand Seven Hundred and Fifty One dollars and Seventy Four cents with interest from the 20th March 1822, for which he is in the first instance liable, and the said Poller ultimately; and in default thereof that execution issue against the said Ezekiel. And if such execution shall be returned unsatisfied, then the amount shall be immediately Paid into the Registry aforesaid by the said Poller; and on his failing to pay it, the Circuit Court are directed to award an execution against him for the same. -

Wm. McLean

99. Thomas L. Owings Val / vs / Andrew Kincannon — Appeal

Mr Bibb of counsel for the Appellee having read in open Court and filed the following suggestions in writing, viz, "The counsel for the Appellee respectfully gives this Court to understand and be informed, that by a rule of the Court for the Seventh Circuit and Kentucky District [illegible]

before the exhibition of this Bill and Proceedings in Equity by Andrew Kincannon, Complainant thereof and now appellee, against Thomas D Owings and others then defendants, and the appellants citizens of a State other than Kentucky being citizens of Kentucky in said Seventh Circuit and Kentucky District was required, upon Pain of having their suits dismissed, to give bond and Security to the defendants and to the officers of the Court, to pay the costs which should be awarded to the defendants and which should accrue to the several officers of the Court in such and every such so instituted in that Court.

Furthermore that in this case such bond was given by said Andrew Kincannon in the suit aforesaid against these appellants in obedience to the rule of said Court as aforesaid adopted and then in force; Which said bond for costs so given with Security, remains in said Court on file and among and parcel of the papers and proceedings in the suit aforesaid:— But the said bond is not enclosed by the Clerk of the said Circuit Court in the transcript of the record and proceedings in this suit as filed by the appellants in this Court.

The Counsel for the appellee therefore respectfully suggests that there is a diminution in the transcript of the record and proceedings aforesaid as filed in this Court, in failing to certify the said bond for costs; and therefore prays this Honorable Court to award a certiorari, to cause a copy of said bond for costs to be certified, directed &c and as in duty &c

suggests to the Court there a diminution in the transcript of the record certified into this Court from the Circuit Court of the United States for the District of Kentucky in this cause & certify the same back for costs— By reason of which omission and errors as aforesaid the said counsel moved the Court to award a writ of Certiorari to be directed to the Judges of the Circuit Court of the United States for the Seventh Circuit and District of Kentucky commanding them that searching the records of said Court in this cause they shall certify to this Court under the Seal of the said Court whatever omissions and errors shall be found - On Consideration whereof - It is now here ordered and adjudged by the Court that a writ of Certiorari be and the same is hereby awarded to be issued forthwith directed to the Judges of the Circuit Court of the United States for the Seventh Circuit and District of Kentucky commanding them to certify under the Seal of the said Court what omissions and errors shall be found in this cause and return the same with the said writ of Certiorari to this Court at its next January Session, to wit; On the Second Monday of January in the year of our Lord one thousand eight hundred and thirty two -

Friday . March 18th 1831 Continued .

	William Towle Surv[g] Partner &c	
23	vs Appl[t]	
	James Dawson's Ex[or]	

on consideration of the motion made by Mr Swann of counsel for the Appellee in this cause on a prior day of this term & on Saturday the 12th day of March A.D. 1831 It is now here ordered and adjudged by this Court that said Motion be and the same is hereby overruled. —

	William Yeaton &c	
122	vs Compl[ts]	
	David Deaver &c	

on motion of Mr Coxe of counsel for the defendants and Appellees in this cause and a certificate of the Clerk of the Circuit Court of the United States for the District of Columbia holden in and for the County of Alexandria stating that on the Second day of December 1829 the above named Complainants prayed an appeal from the decree of the Circuit Court of the United States for the District of Columbia holden in and for the County of Alexandria pronounced by the said Circuit Court to the Supreme Court of the United States which was granted, and that no appeal bond has ever been filed in this office by the Complainants as required by law, having been filed and the said appellants having failed to lodge a transcript of the record in said cause with the Clerk of this Court agreeably to the rules of this court. It is hereby ordered and adjudged that this cause be dismissed and that the said Appeal be and the same

The Cherokee Nation
vs Complt
The State of Georgia

Bill in Equity -
Filed Jany 22d 1831

On Consideration of the Bill of the Complainants and the motion made in this cause on a prior day of this term, to wit, On Saturday the 5th day of March 1831 by Mr Sergeant of counsel for the Complainants for writs of Subpoena and Injunction as prayed for in the Bill of the Complainants which was on said day read in open Court, and of the arguments of Mr Sergeant & Wirt counsel for the Complainants thereon had at a subsequent and ensuing day of the same term - It is now here ordered, adjudged and decreed by this Court that the motion for the Injunction in this cause be and the same is hereby denied and overruled and that the Bill of the Complainants be and the same is hereby dismissed. -

Jn. Mc Ch. Jus. - Marshall

The State of New Jersey
vs Complt
The People of —
The State of New York. -

In Equity -

On Consideration of the motion made in this cause by Mr Wirt of counsel for the Complainant on a prior day of this term, to wit, On Saturday the 5th day of March A.D. 1831 for Commissions to take depositions in this cause; and having this day filed the names

Friday - March 18th 1831 Continued.

Pennington and James S. Green of the State of New Jersey, and Campbell P. White, Hugh Maxwell Isaac Johnson and William Johnson of the State of New York and prayed that they may be appointed Commissioners to take depositions in this cause on the part of the Complainants. It is now here ordered and adjudged by this Court that Commissions to take depositions in this cause be and the same are hereby awarded and that the same be directed to the said Elias Vanarsdale James Parker, William Pennington and James S. Green of the State of New Jersey and Campbell P. White Hugh Maxwell, Isaac Johnson and William Johnson of the State of New York as prayed for -

"P. Mr. Ch. Jus. Marshall."

Proclamation being made the Court is adjourned to the time and place appointed by law. -

August Term 1831.

At a Session of the Supreme Court of the United States begun and held at the Capitol of the United States in the City of Washington being the present Seat of the National Government of the United States, on the first monday of August, being the first day of the same month in the year of our Lord One Thousand eight Hundred and thirty one, and of the Independence of the United States the fifty Sixth, Agreeably to the Statute in such case made and provided

The Hon.ble One of the Associate Justices of the said Supreme Court of the United States and resident of the Fourth Circuit in the State of Maryland was present, and the Clerk of the said Supreme Court attending — It is ordered by the said Judge that the following entries be made in the following various Cases to wit —

Webster Sergeant. Writ. 1. Att.o Gen.l	1828	Wm McLean & Al. Claimant of a moiety of the Forfeiture of the Cargo of the Ship Good Friends &c vs The United States. —	Alexandria C. C. U.S. 1831 Aug. Decree to be Continued.
Jones. 2. Key. —	1830 Jan.y 9th	John Gassler Pltff in Er. vs The Union Bank of George Town.	Washington C. C. U.S. 1831 Aug. Decree to be Continued
Benton 3	1827 Dec.r 13.	Antonio Fontanda Exrs &c Pltffs in Er. vs	Alexandria C. C. U.S. 1831 Aug. Decree to be Continued

August Term 1831.

Lewis 4. Nicholas	1828 Feb 4	John McKinney, William McConnell & Ray Mofs. pffs in Er. vs John Carroll	Kentucky Dist of Appeals 1831 Aug. Ordered to be Continued.	
Baker 5.	1828 Nov 8th	John Smith & Appellt vs The United States	Virginia D. C. U. S. 1831 Aug: ordered to be Continued.	
Bibb 6. Peters. Sergeant	1829 Jan 5	Walter Brashear - Appellt vs Francis West Val	Kentucky. C. C. U. S. 1831 Aug: ordered to be Continued.	
Key - 7. Lewis Work	Jan 12	Amos Binney - Complt & Appellt vs The Chesapeake & Ohio Canal Co Comply.	Washington. C. C. U. S. 1831 Aug: ordered to be Continued	
Peters. Sergeant 8. Bibb.	" Mar 2.	Francis West & Henry Nixon - Appellts vs Walter Brashear.	Kentucky. C. C. U. S. 1831 Aug: ordered to be continued.	
9	" Mar 5	James J. O'Brien - pffs in Er vs Lewis McLaws	Pennsylvania D. C. U. S 1831 Aug: ordered to be Continued	
Lee Key 10. Lewis	" Mar 20	Henry Meiers Executor vs Complt & Appellt. Jacob & Isaac McIntyre	Kentucky. C. C. U. S. 1831 Aug Ordered to be continued.	
Coughlan Lee. - 11.	" Aug 2d	Cadwallader Wallace pffs in Er vs	Ohio Sup. Ct. 1831 Aug: ordered to be	

August Term 1831.

Swann Taylor 12. Jones.	1829 Sept 26	Thomas Hammond & al vs Thos Val Pltff. Geo Washington's Exrs	Virginia C.C.U.S. 1831 Aug. Ordered to be Continued.
West 13. Scott.	June 12	Hugh Boyle Pltff vs James & Zachariah T. H. Turner	Maryland. C.C.U.S 1831 Aug: Ordered to be continued.
Gunnell 11.	June 10	John Smith Pltff vs Robert Bill	C. Jurisdiction C.C.U.S Dec. of dismission. 1831 Aug: Ordered to be continued.
Hoffman B. Wirt.	June 23	Legee of Madame Puzzo Pltff vs Peter McCarter	New York C.C.U.S Dec. of dismission. 1831 Aug. Ordered to be continued
Lynch 15. Webster	1830 June 12	Joseph Grant & I Townsend vs Pltff E. & H.C. Raymond	New York C.C.U.S Dec of dismission. 1831 Aug: Ordered to be continued
Wickliffe 17. Longbottom	June 22.	William Pearsol Val vs Compl't & Aff'ts James Elliott Val	Kentucky. C.C.U.S. 1831 Aug: Ordered to be continued
Benham 18. Lowndes Thomas Hammond	June 23.	Stephen Lindsay Val Pltff in Er. vs Legee of Thomas B. Miller	Ohio. C.C.U.S. 1831 Aug: Ordered to be continued.
19. Wirt & Key	June 24.	The Elkton Bank of Maryland vs Pltff in Er. The Mayor	Maryland C.C.U.S. 1831 Aug Ordered to be continued.

August Term 1831.

		1830 Feb 1.		
West			Hugh Boyle Pff in Er.	Maryland C C U.S.
20.			vs	1831 Aug: Ordered to be
Scott			James W Buchanan & S W Turner	continued. —
Tuesday		Feb 8.	Asa Green Pff in Er.	W. Tennessee. C C U.S.
21.			vs	1831 Aug: Ordered to be
Swacks.			Lessee of Henry Neal	continued. —
Key & Thursday		Feb 8	John W. Hamilton and	W. Tennessee. C C U.S.
			Thomas Donoho - Pff's	Error of division. —
22.			vs	1831 Aug: Ordered to be
Webster			Thomas Kirkman &c	continued.
Webster		Feb 9	The Bank United States	Ohio C C U.S.
23.			vs Pff	Error of division
Benham			William Greens Heirs &	1831 Aug Ordered to be
Cassenove			Representatives	continued.
Swann		Feb. 11	John McIver assignee of	Alexandria. C C U.S.
			Josiah Watson Pff in Er:	1831 Pff's death Aug. Ter.
24.			vs	1831 Ordered to be
			Thomas Hoge & Thomas Hatcher	continued. —
			Exrs of Isaac Nicholls &c	
Bell		Feb. 15.	Francois Vasseguer Lears and	Michigan Territory
			Jean B. Pellier & Pierre Degonindre	sup. ct.
25			vs Aff'lts	1831 Aug: Ordered to be
			Francois Tremble's heirs by their	continued. —
Partridge			next friend Benoni Tremble —	

August Term 1831.

Robinson West 26. Talbot	1830 July 18	Daniel Boardman & al vs. The Pltffs in Er. George F. McCall & al	Ch. Virginia Stat. 1831 Aug. Recd. to be continued.
Att. Gen. 27. Talbot Chiffelle	July 27	The United States Complts vs. The State Bank of South Carolina	South Carolina Stat. Com. of Limitations. 1831 Aug. Recd. to be continued.
Courtenay Hunter 28. Tunno	Nov 2	Duncan McArthur Pltff in Er. vs. Wesley S. Porter	Ohio Stat. 1831 Aug. Recd. to be continued.
Wilde 29.	Nov 11	Robert Smith & al. Pltffs in Er. vs. Isham Coleman & al	Georgia Stat. 1831 Aug. Recd. to be continued.
Tunno 30.	Nov 13	Joshua Schofield & John Taylor Surv. part of Wm Redfern Jr. Surv. Pltffs in Er. vs. Jesse Frickelberger, Surv. part of John Clemon	Maryland Stat. 1831 Aug. Recd. to be continued.
Dutton Webster 31. Wirt Jones	Nov 14	The Proprietors of Charles River Bridge Pltffs in Er. vs. The Proprietors of the Canawen Bridge & al.	Massachusetts Stat. 1831 Aug. Recd. to be continued.
32. Pinckney	Nov 14	Jesse J. Stephen Surv. & al Pltffs in Er. vs. Nancy Lewis & al.	Kentucky Stat. 1831 Aug. Recd. to be continued.

August Term 1831.

	1830 Nov. 17	Sifer of Stephen Simons vs Kentucky. Ex. & U.S.	
33.		vs Pfff in Er:	1831 Aug: Ordered to be continued. —
Wardlaw		John Grail & Robert Smithers	
	1830 Nov. 14.	Nathaniel Cox, Nathaniel Lick & Louisiana. Ex. & al	
		and James Lick Pfff in Er:	1831 Aug: Ordered to be continued
34.		vs	
		The United States —	
Crayton	1831 May 27	John Wells dem'lt & Pfff Ohio. Ex. & U. S.	
35.		vs	1831 Aug: Ordered to be continued.
		John Woodside & William Lamb	
	1831 May 27	Thomas Leland use Pfff	Rhode Island. Ex. & U.S.
36.		vs	for. of Dist.
Wirt & Greenlee		David Wilkinson —	1831 Aug: Ordered to be continued. —
Jones. Exr.	1831 Aug 4	Sifer of James Greenleaf	Pennsylvania. Ex. & U. S.
37.		vs Pfff in Er:	1831 Aug: Ordered to be continued. —
Semmes. Key		James Smith —	
Atty Gen'l	Oct 27	The United States	Maryland. Ex. & U. S.
38.		vs	Dist of Dist.
		Thomas G. Hepburn	1831 Aug: Ordered to be continued —
Atty Gen'l Hoffman	Oct 27	The United States	Maryland. Ex. & U. S.
39.		vs	Dist of Dist.
Wirt		John S. Quincy —	1831 Aug: Ordered to be continued.

August Term 1831.

Sec. Sergeant Webster 10. Key.	Oct. 30	The Bank United States — vs — The Bank of Washington	Washington. to C.C.U.S. 1831 Aug: Ordered to be continued
11. Sec. Webster.	Nov. 5.	James Morse Jeff in Er. vs The Bank of Columbia use of The Bank of the United States and The United States.	Washington. to C.C.U.S. 1831 Aug: Ordered to be continued
Sec. Webster 12. Coxe.	Nov. 9.	The Bank United States vs Jeff in Er. John O. Sevier	Washington C.C.U.S. 1831 Aug: Ordered to be continued.
Sandford 13. Assist. Sayer.	Dec. 7	Samuel P. Walker Jeff in Er. vs John B. C. Lucas.	Missouri. to C.C.U.S. 1831 Aug: Ordered to be continued
Sandford 14.	Dec. 7	Charles Lecault Delafias. Jeff in Er. vs The United States	Missouri. to C.C.U.S. 1831 Aug: Ordered to be continued
Sandford 15.	Dec. 7	Auguste Chouteaus Heirs. Jeff in Er. vs The United States.	Missouri to C.C.U.S. 1831 Aug: Ordered to be continued
Sandford 16.	Dec. 7	Auguste Chouteaus Heirs. Jeff in Er. vs The United States.	Missouri to C.C.U.S. 1831 Aug: Ordered to be continued

August Term 1831.

Tennessee. 47.	1830 Dec. 7	James Mackey Heirs &c. pltffs in Er. vs The United States. —	Miss. & E. U. S. 1831 Aug: ordered to be continued
Tennessee 48.	Dec 7	Mackey Ahern's Heirs. &c. pltffs in Er. vs The United States. —	Miss. & E. U. S. 1831 Aug: ordered to be continued
Miss. Ter. 49.	Dec 21	The United States. pltff in Er. vs Zalegman Phillips —	Penn. & E. U. S. Dist. of Columbia. — 1831 Aug: ordered to be continued. —
Western District 50. Benham	Dec 22	The President, Persons & Trustees of the City of Cincinnati, pltffs in Er. vs Edward Wells Lessee	Ohio & E. U. S. — 1831 Aug: ordered to be continued —
M'Clung 51. White	Dec 27	David Rea Lessee, pltff in Er. vs Charles M'Clung —	E. Tennessee. & E. U. S. 1831 Aug. ordered to be continued —
Pitts Western 52.	1831 Jan 3	Nathan & Pinson & Daniel Harkins pltffs in Er. vs David Irwin. —	Tennessee. supt Ct of E. U. appeal 1831 Aug: ordered to be continued.
Louisiana 53.	Jan 4	Abner L. Duncan, Heirs &c pltffs in Er. vs The United States. —	E. Louisiana D.C. U. S. 1831 Aug: ordered to be continued.

	1831 June 9	Henry Neal & al Heirs of William Tyrrell - Pffs in Er.	Ct. Tennessee. b. b. & s. 1831 Aug: Ordered to be continued.
54.		vs	
Bell		Andrew Rountree & al	
Att. Gen.l	June 10	The United States - Appt	E. Florida Sup. Ct. 1831 Aug: Ordered to be continued
55.		vs	
White. -		Fernando de la Maza Arredondo & al	
Longstreet	June 10	Thomas L. Owings & al. - Pffs Pl	Kentucky. b. b. & s. 1831 Sen: Sess Aug.t Cont: and Diff.t 1831 Aug: Ordered to be continued.
56.		vs	
Bibb. -		Andrew Kincannon	
	June 10	John Conard (U.S.) Pffs in Er.	Penn.a b. b. & s. 1831 Aug: Ordered to be continued.
57.		vs	
		The Pacific Insurance Company	
Sergeant.		of New York -	
	June 10	Joseph Barclay, Thomas Cotton and John M. Thomson, Pffs in Er.	Penn.a b. b. & s. 1831 Aug: Ordered to be continued
58.		vs	
		Richard Smith Piper of	
Sergeant		Richard & Samuel	
Bibb -	June 10	James Hughes. Pffs in Er.	Indiana b. b. & s. 1831 Aug: Ordered to be continued.
59.		vs	
		The Trustees of Clarksville	
Doddridge	June 11.	James McDonald & Ano. - Compl.ts & Pffs Pl	Ohio. b. b. & s. 1831 Aug: Ordered to be continued.
60		vs	
		[illegible]	

August Term 1831.

	1831 Dec 13.	Seth Spring and John Spring Surv. part of the firm of Seth Spring & Sons — Appts in Er. —	Maine to the U. S. 1831 Aug: ordered to be continued. —
61.		vs	
White		William Grays Exrs	
	Dec 13.	Pierre Gaspie — Appt in Er.	E. Louisiana. to the U. S. 1831 Aug: ordered to be continued.
62.		vs	
Livingston		Jean Gaspie Widow	
	Dec 21.	James Boyce Exrs — Appts	CC. Tennessee to the U. S. 1831 Aug: Ordered to be continued.
63.		vs	
		Felix Grundy —	
White	Dec 24	Charles A. Davis — Appt in Er	New York. Sup. Court Jurisdiction.
64.		vs	1831 Aug: Ordered to be continued. —
Sedgwick		Isaac Pickard, Henry Lincoln & William Murphy. —	
White Dennison	Feb 2	Colin Mitchell &c. — Appts	Florida. Sup. Ct. Middle Dist 1831 Aug: Ordered to be continued. —
65.		vs	
Wirt.		The United States. —	
Att. Genl	Feb 2	Abraham A. Maples, U.S. Mshl — Appts	Florida. Ct of Appeals. 1831 Aug: Ordered to be continued. —
66.		vs	
		Thomas Backhouse —	
Wirt	Feb 10	William King — Appt	W. Virginia to the U. S. 1831 Aug: Ordered to be continued. —
67.		vs	
Berrien. Webster.		James White	

August Term 1831.

68.	1831 Feb. 14.	Gerrit Schimmelpennick and Son Adrian Toe Boer. Plff vs Josiah and Philip Turner Surv. Pats of William Turner	Mary'd Ch. C. U. S. Com. of dismiss 1831 Aug. Ordered to be continued
Benham Ewing — 69. Roger Webster	Feb. 15.	Legee of Edmund White — vs Plff in Er. The President, Directors & Trustees of the City of Cincinnati	Ohio C. C. U. S. 1831 Aug: Ordered to be continued. —
Ewing 70	Feb. 15.	Abraham Shane & Al Jackson vs Plff in Er. James E. Smith —	Ohio C. C. U. S. 1831 Aug. Ordered to be continued. —
71.	Feb. 17.	The United States. Plff vs George Wilson. —	Penn. C. C. U. S. Com. of dismission 1831 Aug: Ordered to be continued. —
Sergeant 72.	Feb 23	The Bank United States — vs Plff in Er. William S. Hatch. —	Ohio. C. C. U. S. 1831 Aug: Ordered to be continued
73.	Feb. 25.	Joseph Barlow Claimt of 834 Hhds Sugars vs — Plff in Er. The United States. —	New York C. C. U. S 1831 Aug. Ordered to be continued. —
74.	Feb. 28.	James W. Bradlove and William E. Roberts — Plff in Er vs Louisiana	Louisiana C. C. U. S. 1831 Aug. Ordered to be continued —

August Term 1831.

75.	1831 May 1.	Richard M. Scott pff in er vs Edgar Tufts def'd in er	Alexandria. C. C. U. S. 1831 Aug: Ordered to be continued. —
76.	May 13.	Sejeant of Richard Livingston et al vs pff in Er: John Moore def't in Er	Penn'a C. C. U. S. 1831 Aug: Ordered to be continued. —
77.	May 15.	The United States. vs James Paul	New York. C. C. U. S. 1831 Aug: Ordered to be continued
78.	May 17.	Benjamin Gould def't in Er vs Oliver Saunders —	R. Island C. C. U. S. 1831 Aug ordered to be continued. —
79.	May 17.	George W. Ward & Richard R. Call, Regists & Receivers, U. S. vs Appellee Lewis Gregory	Florida. Ct of Appeals 1831 Aug: Ordered to be continued.
80.	May 17.	George W. Ward & Richard R. Call, Regists & Receivers U. S. vs Appellee Jacob Robinson & Fred'k Swearingen	Florida. Ct of Appeals. 1831 Aug: Ordered to be continued. —
81	May 20.	The United States. — vs Eleazer W. Ripley. —	E. Louisiana. C. C. U. S. 1831 Aug: Ordered to be continued. —

August Term 1831.

82.	1831 Aug. 26.	William A. Nicholls pffs in Er vs Saml. S. & Lr. A. Pierson	Washington C.C.U.S. 1831 Aug: ordered to be continued.
83	June 13.	Nathaniel Grant pffs in Er vs Sejus of Henry G. Morris dec'd & of John J. Astor dec'd.	New York. C.C.U.S. 1831 Aug: Ordered to be continued.
84.	June 13.	Samuel Kelly pffs in Er vs Sejus of Henry G. Morris dec'd & of John J. Astor dec'd.	New York C.C.U.S. 1831 Aug. ordered to be continued. —

Original Actions

Writ — Southard —		The State of New Jersey Compl't vs The People of The State of New York.	Bill in Equity 1831 June 18. Service of Subpoena not filed 1831 Aug: ordered to be continued
Jones v.		Jacob Emanuel Yorke Pereira Exqm. by his Charge d'Affaires of the King of Portugal and Algarves Compl't vs Joachim Barroso Pereira late Consul General and late Charge d'Affaires, ad interim of the King of Portugal and Algarves & the U. States of America.	Bill in Equity. 1830 May 24. Subpoena issued 28. Bill in Chancy filed June 2 Summons & Injunction issued 1831 Aug: ordered to be continued. —

August Term 1831.

Proclamation being made the Court is adjourned until the time and place appointed by Law. —

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January

At the Capitol

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The Honble. John

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Term 1832.

Tuesday January 10th 1832.

Pursuant to adjournment the Court met this morning at the Capitol

Present

The Honorable John Marshall Chief Justice
Gabriel Duvall
Smith Thompson
The Hon John McLean & Justices
Henry Baldwin

Wm Dobbin Esquire Marshal.
William Thomas Carroll Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court on this behalf by Mr Ogden it was ordered that Samuel Beardsley Richard H Bradshaw and Reuben G Beebe Esquires of the State of New York be admitted to practice as Attorneys and Counsellors of this Court and they were severally sworn accordingly.

John Gazzler Plaintiff in Error
vs
The Union Bank of Georgetown

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of Columbia holden in and for the County of Washington and on motion of Mr Jones of counsel for the Plaintiff in Error stating that the

matters in controversy in this cause had been agreed and settled between the parties, they having filed orders with the Clerk of this Court to that effect; and with the consent of Mr Key of counsel for the defendant in error - It is ordered and adjudged by this court that the writ of error in this cause be and the same is hereby dismissed, each party paying his own costs.

"Jno. Mc Kle Jus. Marshall"

1. Allen McLean's Exr &c Plts
of the Ship Good Friends
vs
The United States
Dfts

On motion of Mr Peters stating that the indisposition of Mr Sergeant who is of Counsel for the Appellant in this cause had prevented his attendance, and with the consent of Mr Attorney General of counsel for the Appellee It is ordered by the court that this Appeal be and the same is hereby postponed for the present.

8 Thomas Westcott Plt
vs
Appellts
Walter Bruce and al Defts

On motion of Mr Peters of counsel for the Appellants stating that the indisposition of Mr Sergeant who is also of counsel for the Appellants in this cause, had prevented his attendance - It is ordered by that court that this cause be and the same is hereby

Tuesday - January 16th 1832. Continued

6. Allen Bowie vel &c Appt
vs
Francis West vel &c

On motion of W. Peters of counsel for the appellees stating that the indisposition of W. Sergeant who is also of counsel for the appellees in this cause, had prevented his attendance - It is ordered by the court that this cause be and the same is hereby postponed for the present.

7. Amos Binney - Appt
vs
The Chesapeake & Ohio Canal Company -

On motion of W. King of counsel for the appellant in this cause It is ordered by the court that this cause be and the same is hereby postponed for the present. -

44. Charles L. Lalapus Appt
vs
The United States

On motion of W. Attorney General of counsel for the Appellee in this cause and with the consent of W. Benton of counsel for the appellant. It is ordered that the appeal be and the same is hereby postponed for the present -

45. Augustus Chouteau & Co Appts
vs
The United States

On motion of W. Attorney General of counsel for the appellee in this cause and with the consent of W. Benton of counsel for the appellants. It is ordered that this appeal be and the same is hereby postponed for the present. -

46. Augusta Chouteau Heirs vs Appts The United States. On motion of Mr Attorney General of counsel for the Appellee in the cause and with the consent of Mr Benton of counsel for the appellants. It is ordered that this appeal be and the same is hereby postponed for the present -

47. James Mackay's Heirs vs Appts The United States On motion of Mr Attorney General of counsel for the appellee in this cause and with the consent of Mr Benton of counsel for the appellants It is ordered that this appeal be and the same is hereby postponed for the present. -

48. Macky Sherry's Heirs vs Appts The United States On motion of Mr. Attorney General of counsel for the appellee in this cause and with the consent of Mr Benton of counsel for the appellants It is ordered that this appeal be and the same is hereby postponed for the present

Proclamation being made the court is adjourned until tomorrow morning at eleven oclock. -

Wednesday January 11. 1832.

Pursuant to adjournment the Court met this morning at the Capitol.

Present

The Honorable John Marshall Chief Justice
Gabriel Duvall
Joseph Story
The Hon: Smith Thompson Associate Justices.
John McLean
Henry Baldwin
Henry Ashton Esquire Marshal
William Thomas Carroll Clerk

Proclamation being made the Court opened -

On motion first made to the Court in this behalf by Mr Creighton It is ordered that Thomas Corwin Esquire of the State of Ohio be admitted to practice as an attorney and counsellor of this court and he was sworn accordingly -

On motion first made to the Court in this behalf by Mr Ogden. It is ordered that John A Collier Esquire of the State of New York be admitted to practice as an Attorney and counsellor of this Court and he was sworn accordingly -

4	John M'Kinney etal. pltffs in Error vs John Carroll	On motion of Mr Lowe of counsel for the plaintiffs in Error it was ordered and ordered by the court that this cause be and the same is hereby put at the foot of the docket
9	James J. O'Brien pltff in Er. vs James H. Lewis	This cause having been called for argument and no counsel appearing on either side - It is considered and ordered by the Court that this cause be and the same is hereby put at the foot of the docket
10	Henry Millis's Heirs appellants vs Jacob & Isaac McIntyre	On motion of Mr Lowe Judge of counsel for the appellants in this cause suggesting that the state of his health would not permit him to argue this cause at present - It is considered and ordered by the court that this cause be and the same is hereby postponed till tomorrow -
11	Cadwallader Wallace pltff in Er. vs Josiah C. Parker	On motion of Mr Gorman of Counsel for the defendant in Error in this cause It is considered & ordered by the Court that this cause be and the same

Wednesday January 11 1832 Continued.

12. Thomas Hammond's admr &c Appellt vs George Washington's Exrs

On motion of Mr Jones of counsel for the appellees in this cause and by consent of Mr Swann of counsel for the appellants - It is considered and ordered by this court that this cause be and the same is hereby continued to the next term of this court -

14 John Smith Jr Appellt vs Robert Bell

On motion of Mr Key of counsel for the plaintiff in error in this cause - It is considered and ordered by the Court that this cause be and the same is hereby Postponed for the present

4 John McKinney &c Appellt vs John Carroll

Mr Mickleffe of counsel for the defendant in Error in this cause moved the Court to set aside the order made in this cause by this court this morning and that the same be reinstated with position on the Calendar - On consideration whereof it is ordered by the court that said motion be overruled and that the cause be and the same is hereby Postponed to the foot of the docket -

Mr. Jones in behalf of himself and other members of the bar enquired of the court whether the rule of this court of January Term . Anno Domini Eighteen Hundred and Thirty one, would not supersede the necessity of a compliance with the requisites of Rule No 29 of February Term Anno Domini Eighteen Hundred and twenty one of this court, and whether it would be necessary for counsel to furnish the court with printed briefs or abstracts in reply to which Mr Chief Justice Marshall informed Mr. Jones and the bar that the court does considered a compliance with the requisites of Rule No 29 necessary and that the court expected to be furnished by counsel with printed briefs & abstracts under said rule.

17. William Pearsall &c. vs. James & Hall &c. | On motion of Mr Wheeler who commenced the argument of this cause on the part of the Plaintiff in Error. It is ordered by the court that this cause be submitted to the consideration of the court on the record and briefs and arguments of counsel. —

16 Joseph Grant Plff in Err. vs. Edward Raymond Deft in Error

On motion of Mr Ogden of counsel for the Plaintiff in this cause - It is considered and ordered by the Court that this cause be and the same is hereby postponed till tomorrow -

17 Elkton Bank of Maryland Plff in Err. vs. The United States Deft in Error

This cause was argued by Mr Williams for the Defendant in error and submitted to the consideration of the court on the part of the Plaintiff in Error on the brief of counsel

21 Wm Green Plff in Error vs. Negus of Mount Meigs Deft in Error

On motion of Mr Grundy of counsel for the plaintiff in Error in this cause - It is considered and ordered by the Court that this cause be and the same is hereby postponed for the present

68. Conrad Schimmelpennick Plff in Error vs. Jeremiah Tarrence Defendant in Error

The argument of this cause was commenced by Mr Stewart for the plaintiff & continued by Mr Williams for the defendants -

Proclamation being made the Court is adjourned

Thursday — January 12 1832.

Pursuant to adjournment the Court met this morning at the Capitole.

Present

The Honorable John Marshall Chief Justice
Gabriel Duvall
Joseph Story
The Hon Smith Thompson Associate Justices
John McLean
Henry Baldwin

Henry Ashton Esquire Marshal
William Thomas Carroll Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr Wickliffe. It is ordered that Isaac Lenny Esquire of the State of Kentucky be admitted to practice as an Attorney and Counsellor of this Court and he was sworn accordingly —

10. Joseph Grant Jun. vs Tiffs. & Alfred Raymond. Mr Upshaw of counsel for the Defendants in this cause having filed and read the following assignment of counsel in this cause in open court, viz. "The Parties agree of record, that this cause shall now be heard and decided, as on a writ of error brought to the record and judgment in the Circuit

Court that the cause shall now proceed as if Judgment had actually been entered, in the Circuit Court for the Plaintiffs there; and that the exceptions in the case shall be taken, regarded and treated as a writ of error sued out by the defendant below on the judgment of the Circuit Court, and that the motion shall be as in other cases whether the said Judgment ought to be reversed or affirmed" moved the court for leave to amend the record by filing said agreement as a part thereof, and considering this cause as brought upon a writ of error after verdict and judgment in the Circuit Court on the exceptions, which were taken in that court and as if Judgment had been actually entered in the Circuit Court for the Plaintiff, there, to which M. Upton of counsel for the Plaintiff, assented. Whereupon the court not being now sufficiently advised of and concerning the order that ought to be rendered on the said motion doth now here order that the consideration of said motion be and the same is hereby Postponed —

	Lovell & Commissioners	The argument of this cause
13.	vs	was concluded by Mr
	J. & P. Turner surviving	Stewart for the Plaintiffs.
	The Smith & Piff	This cause was argued
14.	vs	by Mr Key for the Plain
	Robert Bell —	tiff. —

Thursday January 12 1832. Continued . . .

10. Henry Muller's Heirs — Appl'ts
vs
Jacob & Isaac McIntyre

The argument of this cause was commenced by Mr Doddridge for the Appellants and continued by Mr Wheeling & Mr Wickliffe & Lucas for the Appellees. —

10. Henry Muller's Heirs — Appl'ts
vs
Jacob & Isaac McIntyre

On motion of Mr Doddridge suggesting the indisposition of his Opponents counsel Mr Henry. It is ordered by the court that the further argument of this cause be and the same is hereby postponed till tomorrow. —

21. Lee Green — Pltff in Er.
vs
Pltff in Error of Henry Neal

On motion of Mr Grundy of counsel for the Plaintiff in error in this cause no counsel appearing for the defendant. It is ordered by the court that this cause be submitted to the consideration of the court on the transcript of the record and notes of counsel —

Proclamation being made the court is adjourned until tomorrow morning at eleven o'clock. —

Friday January 13th 1832.

Pursuant to adjournment the Court met this morning at the Capitol.

Present

The Honorable John Marshall Chief Justice
Gabriel Duvall
Joseph Story
Associate Justices
Smith Thompson
John McLean
Henry Baldwin
Henry Clay Esquire Marshal
William Thomas Carroll Clerk

Proclamation being made the Court is opened.

Joseph Grant Vs. } On consideration of the motion
16 do Jeffers } made yesterday in this cause by
& al Richmond. } Mr Webster of counsel for the defendants and to which Mr Ogden of counsel for the Plaintiffs appealed, as appears by the agreement herein filed. It is now thereby the Court considered and ordered that this cause shall now be heard and decided, as on a writ of error brought after verdict and judgment in the Circuit Court on the exceptions which were taken in that Court, that the cause shall now proceed as if judgment had been actually entered in the Circuit Court for the Plaintiffs there, and that the exceptions in the case shall be taken reserved.

Friday January 13 1832. Continued

defendants below on the Judgment of the Circuit Court, and that the question shall be, as in other cases, whether the said Judgment ought to be reversed or affirmed, but that this court will reserve its opinion and Judgment in this cause till the defendants in the court below shall have prosecuted a writ of error in this cause to the said Circuit Court and filed a return thereto, with a Bill of Exceptions in this cause, in the usual Form, signed by the Court below, in this Court.—

10. Henry Millers Heirs vs Jacob & Moses McIntyre — The argument of this cause was concluded by Mr Dana for the Appellants

16. E. H. Raymond vs Joseph Grant use — The argument of this cause was commenced by Mr Webster for the Plaintiffs in Error continued by Mr Oakley for the defendants in error and concluded by Mr Webster for the Plaintiffs in Error.—

Proclamation being made the Court is adjourned until tomorrow morning at eleven o'clock.—

Saturday January 14 1832

Pursuant to adjournment the court met this morning at the Capitol

Present

The Honorable John Marshall Chief Justice
Gabriel Duvall
Joseph Story
The Hon Smith Thompson Associate Justices
John McLean
Henry Baldwin
Henry Ashton Esquire Marshal
William Thomas Carroll Clerk

Proclamation being made the Court is opened

Cadwallader Wallace vs Piffin & Smith & Parker — The argument of this cause was commenced by Mr Creighton for the Plaintiff in Error in support of the jurisdiction of this court, which was opposed by Mr Gerwin on the part of the Defendant in Error and against the jurisdiction of this court

No 11

Bank United States vs Piff William Green Dec — This cause was argued by Mr Ewing for the Defendants and by Mr Goodridge in support of the claim of the Marshal for Poundage Fees

No 23

Saturday January 14 1832 Continued.

27	The United States vs The State Bank of North Carolina	The argument of the cause was commenced by Mr Attorney General for the Complainant continued by Mr Pelers for the Respondent and concluded by Mr Attorney General for the Complainant.
18.	Stephen Lindsay Ex'r vs Pff in Er. Lopez of J. B. Miller	On motion of Mr Emmy of counsel for the Pltff in Error and with the consent of Mr Scarburgh of counsel for the defendants in Error It is ordered by the court that this cause be and the same is hereby postponed to Monday next.
75.	Richard M. Scott vs Pff in Er. Ezra Lunt, admr	Mr Jones of counsel for the defendant in Error moved the Court to grant a rule to be served on the Pltff in Error commanding him to appear in this court on Saturday next, which will be the twenty first instant by Attorney and shew cause why the writ of Error in this case should not be dismissed, for defect of jurisdiction by reason that the sum in controversy falls short of the amount required by law to give jurisdiction to this court, in writs of error and appeals from the Circuit Court of the United States for the District of Columbia

Court that a rule be and the same is hereby granted, to be served on the Plaintiff in Error returnable on Saturday next, commanding him to appear in this court on Saturday the twenty first instant, to show cause, if any he have, why this writ of Error, to the Circuit Court of the United States for the District of Columbia holden in and for the County of Alexandria should not be dismissed for want of jurisdiction on the ground that the sum or matter in controversy do not exceed the sum of one thousand dollars.—

Proclamation being made the Court is adjourned until Monday morning at eleven Oclock.—

Monday January 16 1832

Pursuant to adjournment the Court met this morning at the Capitol.

Present

The Honorable John Marshall Chief Justice
Gabriel Duvall
Joseph Story
The Hon. Smith Thompson } Associate Justices
John McLean
Henry Baldwin

Henry Ashton Esquire Marshal
William Thomas Carroll Clerk

Proclamation being made the Court is opened

6. Wallis Brashear Appellant
vs
Francis West & al

On motion of Mr Peters of counsel for the appellees in this cause suggesting that his associate counsel had just arrived and was not ready for the argument of this cause It is ordered by the court that this appeal be and the same is hereby postponed for the present.

8. Francis West & al Appellants
vs
Wallis Brashear

On motion of Mr Peters of counsel for the appellants in this cause suggesting that his associate counsel had just

arrived and was not ready for the argument of this cause. It is ordered by the court that this appeal be and the same is hereby postponed for the present

Stephen Simmons &c. vs Jeffords &c. / Stephen of J. B. Miller. — The argument of this cause was commenced by Mr. Ewing for the Plaintiffs in Error continued by Mr. Stewart and Underwood for the Defendants in Error and concluded by Mr. Corwin for the Plaintiffs in Error

18.

Chs. G. Hamilton &c. vs Jeffords &c. / Thomas Kirkman Jr. — The Plaintiffs in error in this cause having been three times solemnly called by the Marshal to come into court and prosecute the writ of Error in this cause to the Circuit Court of the United States for the District of West Tennessee and failing so to do It is now here ordered and adjudged by this court that the writ of error to the Circuit Court of the United States for the District of West Tennessee be and the same is hereby dismissed with costs. —

22

Jno. Marshall Chief Justice of the United States

Monday January 16 1832 Continued.

24. John McLean, assignee of Joseph Whelan Pltff in Er. vs The Exors of Isaac Nicholls Jr — On motion of Mr Sumner of counsel for the Plaintiff in Error in this cause and by consent of Mr Taylor of counsel for the defendants in Error It is ordered by the court that this cause be and the same is hereby continued. —

28. Duncan McArthur — vs Pltff in Er. Wesley S. Parker — The argument of this cause was commenced by Mr Whelan for the Plaintiff in Error and continued by Mr Ewing for the respondent in Error —

Proclamation being made the Court is adjourned until tomorrow morning 9 o'clock. —

Tuesday January 17th 1832 -

Pursuant to adjournment the Court met this morning at the Capitol

present

The Honorable John Marshall Chief Justice
Gabriel Duvall
Joseph Story
The Hon Smith Thompson } Associate Justices -
John McLean
Henry Baldwin
Henry Ashton Esquire Marshal
William Thomas Carroll Clerk

Proclamation being made the Court is opened. -

On motion first made to the Court in this behalf by Mr Swann It is ordered that Christopher Neale Esquire of Alexandria in the District of Columbia be admitted to practise as an attorney and counsellor of this Court and he was sworn accordingly. -

On motion first made to the Court in this behalf by Mr Sergeant It is ordered that Benjamin H: Penrose Esquire of the State of New York be admitted to practise as an attorney and counsellor of this court and he was sworn accordingly. -

Tuesday January 17 1832 Continued

28. Duncan McArthur pltff in Er. vs Wesley S. Baker

The argument of this cause was concluded by Mr Sanderidge for the Plaintiff in Error

32. Lessee of Stephen Sands &c. pltff in Er. vs Nancy Adams &c.

This cause was argued by Mr Sergeant for the Plaintiff in Error and by Mr Chilton for the defendants in Error.

33. Lessee of Stephen Sands &c. pltff in Er. vs John Purcell &c.

This cause was argued by Mr Sergeant for the Plaintiff in Error and by Mr Chilton for the defendants in Error.

29. Robert Smith &c. vs Isham Coleman Wilkinson Wilkins Archer Darnell Mary Bryant Sol Jackson James Wilkins William Archer James Hunt Jonathan Baker pltff in Er.

On motion of Mr Wilde of counsel for the Plaintiff in Error stating that this suit of Error had been improvidently sued out & is now here answered and it appearing to the Court that this suit is brought for the purpose of delay

and it is ordered by this court that this writ of error to the Circuit Court of the United States for the District of Georgia be and the same is hereby dismissed. Jr. M. Ch. Jno. Marshall"

Tuesday January 17 1832 Continued.

John W. Hamilton &c
vs
Thomas Perkinson Jr.

Mr Webster of counsel for the Defendant in this cause, stating that when he moved yesterday for the dismission of this cause he was under the impression that the cause was brought up here on a writ of error whereas the same came up on a certificate of division in opinion of the Judges of the Circuit Court of the United States for the District of West Tennessee now moved the court to annul and set aside the order of dismission entered in this cause yesterday and to reinstate the same on the Calendar of this Court. On consideration whereof it is now here ordered by the court that the order of dismission entered in this cause yesterday be and the same is hereby rescinded and annulled and that this cause be and the same is hereby reinstated in its former position on the calendar of this court for argument.

François Massonas
Plaintiff in Error
vs
François Trembly, Defendant

This cause was argued by Mr Hendridge for the Appellees.

On motion of Mr Webster being made the court is adjourned until tomorrow morning at eleven O'clock.

Wednesday January 18. 1832.

Pursuant to adjournment the Court met this morning at the Capitol.

Present

The Honorable John Marshall Chief Justice
The Hon: Gabriel Duvall
Joseph Story
Smith Thompson
John McLean
Henry Baldwin
Henry Ashton Esquire Marshal
William Thomas Carroll Clerk

Proclamation being made the Court is opened.

Gerrit Schimmelpennickx & Cornelius Adrain Executors of Jacob Schimmelpennickx vs. Josiah Turner & Philip H. Turner surviving partners of William Turner

68. This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of Maryland and on the point and question on which the Judges of the said Circuit Court were opposed in opinion and which point was certified to this court for its opinion in pursuance of the act of Congress in such case made and provided and was argued by Counsel. On consideration whereof it is the opinion of this court that there was no variance between

Wednesday January 18 1832. Continued.

the contract declared upon in the second count, and the contract proved upon the trial, with respect to the parties thereto - Whereupon it is ordered and adjudged by this court that it be certified to the Circuit court as the opinion of this court that there was no variance between the contract declared upon in the second count and the contract proved upon the trial with respect to the parties thereto "Jn. Mc Lean. Thompson"

The Bank of Maryland vs. The United States. This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of Maryland and was argued by counsel. On consideration whereof It is ordered and adjudged by this court that the judgment of the said Circuit Court in this cause be and the same is hereby affirmed with costs and damages at the rate of six per centum per annum. "Jn. Mc Lean. Thos. Marshall"

Wednesday January 18 1832. Continued

William Pursal & Sylvia Pursal his wife, Ann North, Jane North, Sophia North, Elizabeth F. P. North, and William North minor Representatives of Sarah Elliott. Appellees.

vs.

James Elliott Caroline Elliott, John Rogers and Betsey Rogers wife of John Rogers Benjamin Elliott and A. L. Elliott his wife, John Moore and M. P. Moore his wife Virginia Elliott and Lucy Elliott, Heirs at Law of James Elliott. Appellees.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of Kentucky and was argued by counsel - On consideration whereof, this court is of opinion that the decree of the Circuit Court ought to be reversed because that the bill was dismissed, because the debt therein mentioned being made at law for matter apparent on its face, the Plaintiffs have not shewn any circumstances, which disclosed a case proper for the interference of a court of equity to relieve against such a deed. And the court is further of opinion that so much of the said decree as dismisses the bill with costs is erroneous and ought to be reversed. This Court doth therefore reverse and annul the said decree and direct that the cause be remanded to the said Circuit Court with directions to

manifest the same according to the principles of this decree and the parties are to bear their own costs in this court.

Test. Mr. Chief Justice Marshall

Joshua Schaffield & the Heirs & Legal Representatives of William Flenner dec'd Plaintiffs in Error

vs

Jesse Dickelberger Surviving Partner of the Firm

In Error to the Circuit Court of the United States for the fourth Circuit and District of Maryland.

Mr. Saml. S. Donaldson of counsel for the plaintiff in Error moving suggested on the record that Jesse Dickelberger the defendant in Error had departed this life pending this writ of Error, moved the court to continue said cause to the next term of this court with an order of publication in conformity to the 38th Rule of this court. Whereupon it is considered and ordered by the court that unless the proper representatives of the said Jesse Dickelberger shall become parties to this writ of Error within the first ten days of the next January term of this court the plaintiff in Error shall be entitled to open the record, and on hearing have the Judgment of the said Circuit Court in this cause reversed if it be erroneous. And it is further ordered by this court, that a copy of the present order shall be printed in some newspaper at the seat of government in which

three successive weeks at least sixty days before the beginning of the next January Term of this court.—

Jos. M. Chs. Chas. Marshall

92. The United States vs. Jeffries & George Macdaniel — Mr Key of counsel for the defendant in Error moved the court to dismiss this cause for the want of jurisdiction and prayed the court to fix next Saturday week for the argument of said motion to which Mr Swann of counsel for the plaintiff in Error appealed. On consideration whereof it is now here ordered by the court that the argument of said motion be and the same is hereby postponed to next Saturday week the 28th instant.—

93. The United States vs. Joseph Nourse — Mr Key of counsel for the defendant in Error moved the court to dismiss this cause for the want of jurisdiction and prayed the court to fix next Saturday week for the argument of said motion to which Mr Swann of counsel for the plaintiff in Error appealed. On consideration whereof it is now here ordered by the court that the argument of said motion be and the same is hereby postponed to next Saturday week the 28th instant.—

Wednesday January 5th 1832. Continued.

Thomas Dickinson Jr. — This cause was argued
32 vs Error by Mr. Webster for the
John M Hamilton Def. Plaintiff.

Nathaniel Carr, Nathaniel Beck and James Brock — Pltffs in Error
34 vs
The United States — Defts in Error

On motion of Mr. Attorney General, the Plaintiffs in Error having been three times solemnly called by the Marshal to come into court and prosecute this writ of error, and failing so to do — It is now here ordered and adjudged by this court that this writ of error to the District Court of the United States for the District of East Louisiana be and the same is hereby dismissed with costs. — Jno. M. Clay Clerk Marshall"

John Watts — Pltff in Error
35 vs
John Wardle and William Lamb — Defts in Error

Mr Creighton of counsel for the Appellant having suggested on the record the death of the appellant Benony this appeal and prayed the appearance of his heirs and legal Representatives, now here came the Court for leave to the said heirs and legal Representatives to appear and prosecute this appeal, On consideration whereof, It is now here ordered by the court that William M. Watts and Arthur M. Watts Executors, and William M. Watts, Arthur Watts, Joseph Watts and Elizabeth his wife the heirs and legal

Wednesday January 18 1832 Continued.

Representatives of John Wallis deceased, enter their appearance in this case with leave to prosecute this appeal from the Circuit Court of the United States for the Seventh Circuit and District of Ohio.

John Wallis Appellant
vs
John Waddle and William Lamb

33. Mr Leonard of counsel for the appellees having suggested on the record the death of the Appellee pending this appeal and filed the appearance of his heirs and legal representatives now here moved the court for leave to the said heirs & legal representatives to appear as co appellees with William Lamb and defend this appeal. On consideration whereof, It is now here ordered by the court that William Waddle and Alexander Waddle administrators of John Waddle deceased and Alexander Waddle and William John Eleanor Lucy Emmaline and Argus Waddle infants by Benjamin G Leonard their next friend, children and heirs of John Waddle deceased enter their appearance as co appellees with William Lamb in this case, and the leave to defend this appeal from the Circuit Court of the United States for the Seventh Circuit and District of Ohio

Wednesday January 18 1832 Continued

John Wallis Heirs &c } On motion of Mr Crittenden
35 vs Appls } of counsel for the appellants
William Lamb &c } It is now here ordered by
the court that this cause be
and the same is hereby set for argument to
morrow .

Nathaniel Cox &c } On motion of Mr Chilton
34 vs Pltffs in Er. } of counsel for the Plaintiffs
The United States } in Error . It is now here
ordered by the Court that
the order of dismission entered in this cause
this morning be and the same is hereby rescin
ded and annulled , and that this cause be
and the same is hereby reinstated in its former
position on the Calendar of this court .

Lessee of James Prentiss &c } The argument of this cause
37 vs Pltffs in Er } was commenced by Mr Core
James Barth &c } for the Plaintiff in Error ,
continued by Messrs Key &
Swann for the defendant in Error and by Mr Jones
for the Plaintiff in Error .

Proclamation being made the Court is adjourned
until tomorrow morning at eleven Oclock .

Thursday January 19 1832.

Pursuant to adjournment the Court met this morning at the Capitol.

Present

The Honorable John Marshall Chief Justice.
Gabriel Duvall
Joseph Story
The Rt. Hble Smith Thompson } Associate Justices.
John McLean
Henry Baldwin
Henry Ashton Esquire Marshal
Wm Thomas Carroll Clerk

Proclamation being made the court is opened.

37 Jesse J. Jones Plaintiff in Error
vs
James Birch —

The argument of this cause was concluded by Mr. Jones for the Plaintiff in Error

33. John Wallis & Chas Wallis Appellants
vs
William Lambert —

The argument of this cause was commenced by Mr Coxe for the Appellants continued by Mr Jones.

for the Appellees and concluded by Mr Clay for the Appellants. —

Proclamation being made the Court is adjourned until tomorrow morning at eleven O'Clock. —

Friday January 20th 1832

(Pursuant to adjournment the Court met this morning at the Capitol -

Present -

The Honorable John Marshall Chief Justice
Gabriel Duvall
Joseph Story
The Hon'ble Smith Thompson Associate Justices
John McLean
Henry Baldwin
Henry Ashton Clerk
William Thomas Carroll Clerk

(Proclamation being made the court is opened. -

The United States - On a certificate of division in
vs opinion of the Judges of the
George Wilson Circuit Court of the United
States for the Eastern District
of Pennsylvania - It being suggested to the
Court by Mr Justice Baldwin that the proceedings
and sentence of the Court on the indictments against
the above named George Wilson for robbing the
Reading mail by putting the life of the driver
in jeopardy, are necessary to the consideration of
the questions stated in the certificate - It is there-
upon ordered by the court here that the Clerk of the said
Circuit Court do cause to be certified copies of the
said several proceedings and sentence to be sent to

Friday January 20 1832. Continued

this court to be annexed to the Statement in this case, reserving however to this Court the right to consider and determine whether the said Proceedings were judicially before the Circuit Court, or could be lawfully noticed by it, on the motion of the District Attorney for Sentence.

Cadwallader Wallace
vs
Jacob C. Parker

Pff in Er

This cause was argued by Mr Coughlin for the Plaintiff in Error and by Mr Carmen for the Defendant in Error.

11

Joseph F. Marsagues and Jacques Marsagues, Children and Heirs at Law of Francois Marsagues deceased and Jean B. Pillet & Pierre Lequinder

vs

Appellees.

25

Francois Trumble, Benoist Trumble and Theresa Trumble minor children and Heirs at Law of Francois Trumble by Simon Trumble their next friend

On appeal from the Supreme Court of the Territory of Michigan. On motion of Mr Coldridge of Counsel for the appellees in this cause the appellants having been three times solemnly called by the Marshal to come into Court and prosecute this appeal and failing so to do. It is now here ordered, adjudged and decreed by this court that this appeal from the Supreme Court

Friday January 20 1832 Continued

of the Territory of Michigan be and the same is hereby dismissed with costs — P. M. Ch. Jus. Marshall

38. The United States Plff vs Thomas G. Hepburn — On motion of Mr Attorney General of counsel for the Plaintiff. It is ordered by the court that this cause be and the same is hereby postponed for the present —

30. Bank United States Plff in Er. vs The Bank of Washington — The argument of this cause was commenced by Mr Dean for the Plaintiff in Error continued by Messrs Hemlop and Key for the defendant in Error and by Mr Sergeant for the Plaintiff in Error —

Proclamation being made the Court is adjourned until tomorrow morning at eleven Oclock —

Saturday January 21 1832.

Pursuant to adjournment the Court met this morning at the Capitol

Present

The Honorable John Marshall Chief Justice
Gabriel Duvall
Joseph Story
The Hon. Smith Thompson Associate Justices.
John McLean
Henry Baldwin

Henry Ashton Esquire Marshal
William Thomas Carroll Clerk.

Proclamation being made the Court is opened

Samuel Miller, John Lewis and Rachel his wife, James Miller, William Miller, Thomas Moffett & Hannah his wife John Estell & Martha his wife & Henry Miller Heirs and devisees of Henry Miller Dec'd. Appts.
vs
Jacob McIntyre and Sarah McIntyre. Appellee.

On appeal from the Circuit Court of the United States for the District of Kentucky.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of Kentucky and was argued by counsel. On consideration whereof, It is ordered, adjudged and decreed by this court that the decree of the said Circuit Court in this cause dismissing the

Saturday January 21 1832. Continued.

On motion first made to the Court in this behalf by Mr Key. It is ordered that J Collins Lee Esquire of the City of Washington District of Columbia be admitted to practice as an Attorney and counsellor of this Court and he was sworn accordingly.

40 Bank United States
vs
The Bank of Washington

Pltff in Er.

The argument of this cause was concluded by Mr Sergeant for the Plaintiff in Error

41 James Mone pltff in Er.
vs
The Bank of Columbia use of the United States & The Bank of the United States. —

The argument of this cause was commenced by Mr J. Collins Lee for the Plaintiff in Error continued by Messrs Dear & Sergeant for the Defendant in Error and concluded by Mr Mone for the Plaintiff in Error

42 Bank United States
vs
Chs O Dunn.

Pltff in Er.

The argument of this cause was commenced by Mr Dear for the Plaintiff in Error and continued by Mr Cope for the defendant in Error. —

Proclamation being made the Court is adjourned until monday morning at eleven o'clock. —

Monday January 23. 1832.

Pursuant to adjournment the Court met this morning at the Capitol —

Present

The Honorable John Marshall Chief Justice
Gabriel Duvall
Joseph Story
The H.rs. Smith Thompson Associate Justices.
John M.Lean
Henry Baldwin.

Henry Ashton Esquire Marshal
William Thomas Carroll Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by M.r Sergeant. It is ordered that Elisha W. Chester Esquire of the State of Georgia be admitted to practise as an attorney and counsellor of this Court and he was sworn accordingly —

On motion first made to the Court in this behalf by M.r Sergeant It is ordered that Isaac Hoyt Esquire of the State of Louisiana be admitted to practise as an attorney and counsellor of this Court and he was sworn accordingly. —

Monday January 23. 1832 Continued.

43 The Bank United States vs Jeffs in Er. — The argument of this cause was concluded by Mr Sergeant for the Plaintiff in Error.

34 Nathaniel Coxe & al vs Jeffs in Er. The United States — Mr Attorney General of Counsel for the defendant in Error having suggested to the Court that on a previous day of the present term of this Court he had moved the court to dismiss the writ of Error in this cause for the want of an appearance on the part of the Plaintiffs in Error to prosecute their writ, that the Clerk of this court had thereon entered the appearance in the docket as a matter of course without any special or general order from him, since that Counsel had subsequently appeared for the Plaintiffs in Error, now asked the Court whether such appearance was to be considered as a general appearance which would prevent his now moving to quash the writ. On consideration whereof the court doth order that such appearance is not to be regarded as a general appearance, and that leave be and the same is hereby granted him to move to quash this writ. —

By Mr Ch. Jus. Marshall

34. Nathaniel Gaylord ... pffs in Er
vs
The United States

Mr Key of counsel for the defendant in Error moved the Court to grant the writ of Error in this cause because all the Parties have not joined in the writ of error the Judgment of the Court below being joint and several but have joined in several writs of error, which was opposed in argument by Mr Johnston of counsel for the plaintiffs in Error - Whereupon this court not being now here sufficiently advised of and concerning what judgment to give upon the said motion doth order that the consideration thereof be and the same is hereby postponed.

75. Richard M. Scott ... pffs in Er
vs
Ezra Lunt's admrs

On motion of Mr Simmons of counsel for the pffs in Error in this cause It is ordered by the court that the rule granted in this cause on the fourteenth instant be and the same is hereby made returnable the next Saturday the twenty eighth instant.

The United States
vs
Joseph Phillips

On a certificate of division in opinion of the Judges of the Circuit Court of the United States for the Eastern District of Pennsylvania

Mr Attorney General of counsel for the Plaintiff having informed the Court that a nolle prosequi had been entered in this cause in the Circuit Court of the United States for the Eastern District of Pennsylvania agreeably to instructions from the President of the United States, of which a copy had been filed in the office of the Clerk of this Court, and which was read in open Court, now here moved the Court to dismiss this cause. On consideration whereof, It is now here ordered and adjudged by this Court that this cause be and the same is hereby dismissed

"Jn. Mc Kinley Marshall"

The President &c of Cincinnati
vs
Wm Piffin &c
Edmund Charles Defendants

On motion of Mr Ellis of counsel for the defendants in Error, suggesting his inability from indisposition to engage in the argument of this cause to day

It is now here ordered by the Court that this cause be and the same is hereby postponed for the present

Monday January 23 1832 Continued

31.	Edward Rose Esqr vs Charles McClung	On motion of Mr Wilkins of counsel for the defendant in error it is ordered by the court that this cause be and the same is hereby postponed till tomorrow.

38.	Joseph Barclay Use vs Richard W. Howell's Exors	On motion of Mr Wilkins of counsel for the plaintiffs in Error it is now here ordered by the court that this cause be and the same is hereby postponed for the present.

Proclamation being made the Court is adjourned until tomorrow morning at eleven o'clock.

Tuesday January 24 1832.

Pursuant to adjournment the Court met this morning at the Capitol.

Present

The Honorable John Marshall Chief Justice
Gabriel Duvall
Joseph Story
The Hon Smith Thompson Associate Justices
John McLean
Henry Baldwin
Henry Ashton Esquire Marshal
William Thomas Carroll Clerk.

Proclamation being made the Court is opened

The Bank of the United States — In Error to the Circuit
vs. Court of the United
The Bank of Washington States for the District
of Columbia holden in
& for the County of Washington —

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the district of Columbia holden in and for the County of Washington and was argued by counsel On consideration whereof It is ordered and adjudged by this Court that the judgment of the said Circuit Court in this cause be and the same is hereby reversed, and that this cause be and the same is hereby remanded to the said Circuit Court with directions to enter judgment

27. The United States ..
vs
The State Bank of
North Carolina —

On a certificate of
division in opinion
of the Judges of the
Circuit Court of the
United States for the
District of North Carolina — This cause
came on to be heard on the transcript of the
record from the Circuit Court of the United
States for the District of North Carolina
and on the point and question on which the
Judges of the said Circuit Court were opposed
in opinion and which was certified to this
Court for its opinion agreeably to the act of
Congress in such case made and provided,
and was argued by counsel, On consideration
whereof, It is ordered and adjudged by the
Court that it be certified to the Circuit Court
of the United States for the District of North
Carolina upon the question upon which the
Judges of that Court were divided, and which
has been certified to this Court, that this Court is
of opinion that the priority to which the
United States are entitled in case of a
general assignment made by a debtor of his
estate for the payment of debts comprehends
a bond for the payment of duties secured
and due as to the date of the assignment, but paya-
able afterwards

Ex. Mr. Justice Story

Tuesday January 24 1832 Continued

Duncan McArthur — } In Error to the Circuit
vs } Court of the United States
38. Jeff in Er. } for the District of Ohio —
The Lessee of Wesley & Porter —

This cause came on to be heard on the transcript of the record for the Circuit Court of the United States for the District of Ohio and was argued by Counsel, On consideration whereof, This court is of opinion that there is error in the instruction given to the jury by the Circuit Court as in the third bill of exceptions mentioned to find a general verdict for the plaintiff after returning their prior verdict in the same bill of exceptions mentioned — It is therefore considered and adjudged by the Court that for this error the Judgment of the Circuit Court be and the same is hereby reversed and that this cause be and the same is hereby remanded to the said Circuit Court with directions to award a venire facias de novo — "Ps. M. Van Story"

Thomas Perkins Jeff } On a certificate of division
vs } in opinion between the
39. Wm W. Hamilton & } Judges of the Circuit
Thomas Ponds ... } Court of the United
States for the District of
West Tennessee

This cause came on to be heard on the transcript of the record of the Circuit Court of the United States for the Seventh Circuit and District of West Tennessee on the questions on which the Judges of that Court

divided in opinion and which were certified to this Court agreeably to the act of Congress in such case made and provided and was argued by Counsel on the part of the Plaintiff. On Consideration whereof, this Court doth direct and order that it be certified to the said Circuit Court as the opinion of this Court.

I. That the Plea of the Statute of limitations is not a bar to the recovery of the Plaintiff on the second count in the declaration.

II. That an action of debt can be supported on the cause of action set forth in the second count.

III. That the averment of the citizenship of Thomas Ramsay & the payees of the note in the said second count is sufficient to sustain the jurisdiction of the Court in which the said suit was brought under the provisions of the 11th section of the Judiciary act of 1789.—

All which is ordered to be certified to the Circuit Court of the United States for the Seventh Circuit and District of West Tennessee. — "J. M. Ch. Jus. Marshall"

On motion first made to the Court in this behalf by Mr. Peters It is ordered that Abraham A. Caperton Esquire of Jessamine in the State of Kentucky be admitted to practise as an Attorney and Counsellor of this Court and he was sworn accordingly. —

Henry Neal and Lydia his wife Susannah McGlothan
Anne Ferguson and Joseph Tyrell Heirs of William
Tyrell Plffs in Err.

34 vs

Andrew Rhoades, Silas Shannon, Jane Shannon, James
Black Thornton Ferguson Samuel B. McKnight, John
Commerson William Lavender, Nicholas Lavender
Simeon Thompson, Joseph Miller, Charles Lavender
John Rountree, Enoch Galloway, Richard Cragg
Elijah Cragg and Nathaniel Crowder. Defendants in Err.

In Error to the Circuit Court of the United
States for the District of West Tennessee

On motion of Mr Bell of counsel for the defendants in Error in this cause, the plaintiffs in Error having been three times solemnly called by the Marshal to come into Court and prosecute their writ of Error to the Circuit Court of the United States for the District of West Tennessee and failing so to do. It is ordered and adjudged by this Court that this writ of Error to the Circuit Court of the United States for the District of West Tennessee be and the same is hereby dismissed with costs.

Pr. Mr. Ch. Jus. Marshall

Tuesday - January 24 1832 Continued

98 Samuel A. Worcester — Mr Sergeant of counsel
vs Pltff in Er
The State of Georgia — For the Plaintiff in Error having filed
a motion to the Gov-
ernor of Georgia with Service thereof and read
the same in open Court, moved the Court
to fix a day certain for the argument of this
cause - Whereupon this Court not being now
there sufficiently advised of and concerning
what Judgment to give on the said motion
doth order that the consideration thereof-
be and the same is hereby Postponed -

99 Elizur Butler - Mr Sergeant of counsel
vs Pltff in Er
The State of Georgia — For the Plaintiff in Error having filed
a motion to the Gov-
ernor of Georgia with Service thereof and
read the same in open Court moved the
Court to fix a day certain for the argument
of this cause - Whereupon this Court not being
now there sufficiently advised of and concerning
what Judgment to give on the said motion
doth order that the consideration thereof be
and the same is hereby Postponed -

Tuesday January 24 1832. Continued.

David Post Sheriff &c	The argument of this cause	
31 vs	was commenced by Mr Bibb	
Charles McClung &c	for the Plaintiff in Error	
	and continued by Mr White	
	for the defendant in Error.	

David Post Sheriff &c	On motion of Mr Bibb	
38 vs	of counsel for the plaintiff	
Charles McClung &c	in Error It is ordered	

that the further argument of this cause be and the same is hereby postponed for the present

Thos L Penny &c	Mr Bibb of counsel for	
36 vs	the appellee in this cause	
Andrew Kincannon &c	having suggested on the	

record the death of Andrew Kincannon the appellee since the last continuance of this cause and pending this appeal, moved the Court for leave for the heirs and legal representatives of the said Andrew Kincannon deceased, to enter their appearance as appellees and to defend this appeal. On consideration whereof It is ordered by the Court that leave be and the same is hereby granted to the heirs and legal representatives of the said Andrew Kincannon deceased to enter their appearance as appellees with the right to defend this appeal. —

Proclamation being made the Court is adjourned

Wednesday January 25 1832 Continued.

Pursuant to adjournment the Court met this morning at the Capitol

Present

The Honorable John Marshall Chief Justice
Gabriel Duvall
Joseph Story
The Hon'ble ... Smith Thompson } Associate
John McLean } Justices.
Henry Baldwin
Henry Ashton Esquire Marshal
William Thomas Carroll Clerk

Proclamation being made the Court is opened.

Stephen Dinsmoor, Francis Johns, Richard Gyger, John Hinger and Solomon Beckenhamer — Appellants
vs
Appeal from the Circuit Court of the United States for the District of Ohio.
The Deposit of Thomas B. Miller — Appellee

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of Ohio and was argued by Counsel, On Consideration whereof, It is ordered and adjudged by this Court that the Judgment of the said Circuit Court in this cause be and the same is hereby affirmed with Costs, and that this cause be and the same is hereby remanded

to the said Circuit Court for further proceedings to be had therein according to law and justice and in conformity to the Judgment of this Court.

Jos. M. Lea. Clerk

83. Nathaniel Crane — vs — Joseph Stiff in Er. Joseph S. Lee vol

On motion of Mr Ogden of counsel for the Defendant in Error in this cause and consent of Mr Hoffman of counsel for the Plaintiff in Error. It is ordered by the Court that this cause be and the same is hereby set down for argument next Thursday week the second proximo.

84. Samuel Kelly — vs — Joseph Stiff & Co. Joseph S. Lee vol

On motion of Mr Ogden of counsel for the Defendant in Error in this cause and consent of Mr Hoffman of counsel for the Plaintiff in Error. It is ordered by the Court that this cause be and the same is hereby set down for argument next Thursday week the second proximo.

85. Colen Mitchell vol — vs — The United States

Mr White of counsel for the Appellants moved the Court for a commission to take depositions in this cause to prove that paper makers frequently Post date their paper with a water mark to authenticity of

Wednesday January 25 1832 Continued.

an exhibit in this cause having been called in question by the Judge in the Court below in his opinion to which Mr. Attorney General on the part of the appellee objected - Whereupon this Court not being now here sufficiently advised of and concerning what Judgment to be given on the said Motion & the same that the same be holden under advisement -

57 | John Connell, Appellant. | On Motion of Mr Bryant of Counsel for the Appellant in Error in this cause and consent of Mr. Attorney General of Counsel for the Plaintiff in Error - It is ordered that this cause be submitted to the consideration of the Court on the Briefs of Counsel and Transcript of the record -
| to | |
| The Pacific Insurance Company of New York. - | |

58 | James Hughes Appellant. | The argument of this cause was commenced by Mr Bibb for the Plaintiff in Error.
| to | |
| The Trustees of Clarksville | |

Proclamation being made the Court is adjourned until tomorrow morning at eleven o'clock -

Thursday January 26th 1832.

Pursuant to adjournment the Court met this morning at the Capitol.

Present

The Honorable John Marshall Chief Justice
Gabriel Duvall
Joseph Story
The Hon Smith Thompson Associate Justices
John McLean
Henry Baldwin
Henry Ashton Esquire Marshal
William Thomas Carroll Clerk

Proclamation being made the Court is opened.

In Error to the District Court of the United States for the District of Kentucky.

James Hopkins Junr and James M. Hopkins, Joseph Phillips Elizabeth Phillips John Phillips and Mary his wife, Martha & Frances Phillips Edward Byrd and Abigail his wife — Marshall and Rachael his wife, James Dreden, and Mary Terry his wife and Bertrande Hopkins — Plff in Error

vs

James Innes late Post Master Walter Bowne, John Redmond David Jeffries and Cornelius Bordine — Deft in Error to the Circuit Court of the United States for the District of Kentucky.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of Kentucky and was argued

by counsel, on consideration whereof the court is of opinion that there is error in the proceedings and judgment of the said Court in this, that the said Court rejected the copies of the deeds offered by the Plaintiffs as evidence, being of opinion that there was no proof of the execution of two of them. Therefore it is considered by the Court that the judgment of the said Circuit Court be reversed and annulled and that the cause be remanded to the said Court with directions to award a venire facias de novo.—

"Jn! McKinley Marshall"

The Devisees of Stephen Simms, James M.c Stephens, Joseph Phillips, Elizabeth Phillips, John Phillips and Mary his wife, Martha and Frances Phillips, Edmund Yard and Abigail his wife ——— Marshall, and Rachael his wife, James Barbee and Mary Lucy his wife & Bertrande Stephens, plff in Er.

vs

33. John Cecil and John Smothers. —

In Error to the Circuit Court of the United States for the District of Kentucky— This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of Kentucky and was argued by Counsel on consideration whereof this court is of opinion that there is error in the proceedings and judgment

Thursday January 26 1832 Continued..

of the said Court in this that the said Court rejected the copies of the deeds offered by the Pltf in evidence being of opinion that there was no proof of the execution of two of them.

Therefore it is considered by the Court that the judgment of the said Circuit Court be reversed and annulled and that the cause be remanded to the said Court with directions to award a

venire facias de novo

Ord. to be certified Mr Chief Justice Marshall

Colin Mitchell vs. The motion made in this
65 do Appt cause yesterday by Mr White
The United States of counsel for the appellants
was argued by him in
support of the same and by Mr Attorney
General for the appellee and against the motion

Nathaniel Carr vs. The motion made in this
34 do Appt cause by Mr Attorney General
The United States of counsel for the Defendant
in Error to dismiss the writ
of Error in this cause on the 23d instant was argued
by him in support of the motion and by Mr
Sheldon for the Plaintiff in Error and against
the motion

Thursday January 26 1832. Continued

39. James Hughes Plff in Er. vs The Trustees of Clarksville. The argument of this cause was continued by Mr. Hawk for the defendants in Error and concluded by Mr Grey for the Plaintiff in Error. —

60. James McDonald's heirs Plffs vs Freeman Smalley — On motion of Mr Cooledge of counsel for the appellants suggesting the present indisposition of his associate counsel Mr Winston, and consent of Mr Bibb It is ordered by the court that this cause be postponed for the present. —

Motion having been made the court is adjourned until tomorrow morning at eleven o'clock. —

1829.

Friday January 27 1832

Pursuant to adjournment the Court met this morning at the Capitol

Present

The Honorable John Marshall Chief Justice
Gabriel Duvall
Joseph Story
Smith Thompson
John McLean
Henry Baldwin
Henry Clay Esqr Marshal
William Thomas Carroll Clerk

Proclamation being made the Court is opened -

Jos. Spring & al
Thing Smith & others
vs
William Gray Exr

The argument of this cause was commenced by Mr Evans for the Plaintiffs in Error continued by Mr McMillan for the defendant in Error and concluded by Mr Evans for the Plaintiffs in Error -

Proclamation being made the Court is adjourned until tomorrow morning at eleven o'clock -

Saturday January 28 1832.

Pursuant to adjournment the Court met this morning at the Capitol

Present

The Honorable John Marshall chief Justice.
Gabriel Duvall
Joseph Story
The Hon'ble Smith Thompson } Associate Justices
John M'Lean
Henry Baldwin
Henry Ashton Esquire Marshal
William Thomas Carroll Clerk

Proclamation being made the court is opened

Jno Green plff in Er. } On Error to the Circuit
vs } Court of the United States
Depts of Henry Neale } for the District of
West Tennessee

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of West Tennessee and was argued by counsel. On consideration whereof It is ordered and adjudged by this court that the Judgment of the said Circuit Court in this cause be and the same is hereby reversed and that this cause be and the same is hereby remanded to the said Circuit Court with directions to award a venire Facias de novo.

Saturday January 28 1832. Continued.

41. James Moore Jeffries } In Error to the Circuit
vs } Court of the United
The Bank of Columbia use of } States for the District of
the United States and the } Columbia holden in
Bank of the United States } and for the County of
Washington

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of Columbia holden in and for the County of Washington and was argued by counsel, On consideration whereof, It is the opinion of this court that the court below erred in not giving the instructions prayed for by the defendant, Whereupon It is ordered and adjudged by this court that the judgment of the said Circuit Court in this cause be and the same is hereby reversed and annulled and that this cause be and the same is hereby remanded to the said Circuit Court with direction to award a venire facias de novo. —

Jos. M. Thompson —

39. The Columbia Insurance Company } In Error to the Circuit
vs } Court of the United
The Phoenix Insurance Company } States for the Eastern Dis-
of New York — } trict of Pennsylvania.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the Eastern District of Pennsylvania and was argued by counsel,

the consideration whereof. It is ordered and adjudged by this Court that the Judgment of the said Circuit Court in this cause be and the same is hereby affirmed with costs and and damages at the rate of six per centum per annum. — "Jos. M. Nelson Jus. Supr."

The Lessee of James Greenleaf ... Plff in Er.
vs.
James Barth ... In Error to the Circuit Court of the United States for the District of Columbia holden in and for the County of Alexandria

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of Columbia holden in and for the County of Alexandria and was argued by counsel. On consideration whereof, It is the opinion of this court that there was error in the Circuit Court in refusing to instruct the Jury that the deeds from Greenleaf to Morris and Nicholson in the first bill of exceptions mentioned unaccompanied by any other evidence did not show such an out standing title as was sufficient to bar the Plaintiffs recovery in this suit as is in the same bill of exceptions mentioned. And it is further the opinion of this court that there was error in the Circuit Court in admitting the proceedings in the case of the Lessee James Greenleaf

an Issue touch before the Chancellor of Maryland in the second bill of exceptions mentioned, and also in instructing the Jury that the act of Assembly of Maryland of seventeen hundred and ninety eight chapter sixty four and proceedings of Assistancy did show a legal title out of the Plaintiff and did preclude a recovery in this suit on the first count in the Plaintiffs declaration. And also in refusing to instruct the jury that under the operation of the proceedings in Maryland and Pennsylvania in the same bill of exceptions mentioned the legal title to the premises in the declaration mentioned notwithstanding said conveyance was not divested from the said James Greenleaf by any thing by the respondent so as aforesaid shown as in the same bill of exceptions is mentioned. It is therefore considered and adjudged by the Court that for the error aforesaid the Judgment of the said Circuit Court be and the same is hereby reversed and the cause be remanded to the Circuit Court with directions to award a venire facias de novo.

"Jos. M.L. Jus. Story"

The State of New Jersey — contra — The People of the State of New York

Mr. Wirt having suggested to the Court that at the last term of this Court an order was made that unless the defendants being served with a copy of the order sixty days before the ensu-

Saturday January 28 1832 Continued

any August Term, should appear on the second day of the present January Term and answer the bill of the Complainant, this Court would proceed to hear the cause on the part of the Complainant and to decree on the matter of the said bill, which a copy of which the defendant was duly served as appears by the files of this Court, stating that a paper called a demurrer, signed by the Attorney General of New York had not been Solicitor of this Court in this cause, had been handed to the Clerk of this Court to file, to which filing he objected on the ground that the defendant had not appeared and answered the bill of Complaint as ordered by this Court. To all of which Mr Barnes by his Counsel of the State of New York protesting however that he was not of Counsel for said State of answers and says that the Attorney General of said State considers this as an appearance altho it is a suggestion that this Court has not jurisdiction in the cause and that it is the English Chancery practice that the filing of a demurrer is an appearance. Whereupon this Court not being now sufficiently advised of and concerning what order to make in the premises doth order that the same be held under advisement.

Richard M Scall
vs
The Pltffs in Er
Cezar Dudley admr

M Jones of Counsel for the Defendant in Error proceeded to argue in support of the rule granted in this cause on a prior day of the present term of this court, to wit on Saturday the 14th instant which was opposed in argument by Mr Swann of Counsel for the Plaintiff in Error and against the rule, whereupon this court not being now here sufficiently advised of and concerning what order to make in the premises doth hereby order that the consideration of the same be postponed. –

The United States
vs
Pltffs in Er
George Macdaniel

On motion of Mr Attorney General it is ordered by the court that the motion made in this cause by Mr Coxe on a prior day of the present term of this court, to wit on Wednesday the 18th instant for dismissing this cause for the want of prosecution, be set down for argument on next Saturday the Fourth Proximo. –

Orlin Mitchell use
vs
Pltff in Er
The United States

This court having had under consideration the motion made in this cause on a prior day of the present term of this court, to wit on Wednesday the 25th instant for a commission to take depositions and of the arguments thereon had, doth now order and adjudge that the said motion be and the

98	Samuel L. Groves Plff in Error vs The State of Georgia	This Court having had under consideration the motion made in this cause by Mr. Sergeant on a prior day of the present term of this Court, to wit on Tuesday the 24th instant doth now order and adjudge that this cause be and the same is hereby set down for argument on next Monday three weeks the 30th proxima.
99	Elijah Butler Plff in Error vs The State of Georgia	This Court having had under consideration the motion made in this cause by Mr. Sergeant on a prior day of the present term of this Court, to wit on Tuesday the 24th instant doth now order and adjudge that this cause be and the same is hereby set down for argument on next Monday three weeks the 30th proxima.
63.	James Bayes & Wife Appts vs Felix Grundy	Mr. Key of counsel for the appellees moved the Court to dismiss this appeal because the record states that no bond was taken by the Judge signing the citation in this cause. Whereupon the Court not being now sufficiently advised of and concerning what Judgment to give in the premises doth order

Saturday January 28th 1832 Continued -

Lyon & Simmons Plaintiffs in Error
70. vs Plaintiffs
John Moore Defendant } Mr Ingersoll of counsel for the Plaintiff in Error in this cause moved this Court to set this cause down for argument on next monday week to which Mr Sergeant of counsel for the defendants in Error objected - On consideration whereof this Court doth order that the said motion be and the same is hereby overruled. -

The United States
33. vs Plaintiff
Thomas P. Reybern } This cause was argued by Messrs Williams and Attorney General for the Plaintiff

The United States -
39 vs Plaintiff
John L. Quincy } Mr Williams of counsel for the Plaintiff moved the court to set this cause for trial on next monday week - On consideration whereof the court doth order that said motion be and the same is hereby overruled. -

Lyon & Simmons Heirs
53. Vs Plaintiffs in Error
The United States. } Mr Ingersoll of counsel for the Plaintiff in Error in this cause moved the court to set this cause for argument next monday week - On consideration whereof the court doth order that said motion be and the same is hereby overruled. -

(Proclamation being made the court is adjourned until

Monday January 30th 1832.

Pursuant to adjournment the Court met this morning at the Capitol.

Present

The Honorable John Marshall Chief Justice
Gabriel Duvall
Joseph Story
The Hon: Smith Thompson Associate Justices.
John McLean &
Henry Baldwin

Henry Ashton Esqre Marshal
William Thomas Carroll Clerk

Proclamation having been made the Court is opened.

42 The Bank of the United States &c Pltff in Er
vs
John O. Dunn — Def in Er

} On Error to the Circuit Court of the United States for the District of Columbia holden in and for the County of Washington

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of Columbia holden in and for the County of Washington and was argued by counsel; on consideration whereof, It is ordered and adjudged by this court that the judgment of the said Circuit Court in this cause be and the same is hereby reversed and that this cause be and the same is hereby remanded to the said Circuit Court

The Bank of the United States
pltff
vs
Isaac Burnet, James Findlay,
William H Harrison and
Charles Brown Heirs & Repsr
Executors of William Green

On a certificate of division in opinion of the Judges of the Circuit Court of the United States for the District of Ohio. —

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of Ohio and on the points and questions on which the Judges of the said Circuit Court were opposed in opinion and which were certified to this Court for its opinion agreeably to the act of Congress in such case made and provided and was argued by Counsel, On consideration whereof It is ordered and adjudged by this court that this cause be and the same is hereby dismissed for want of jurisdiction. —

"Ps. M. Ch. Jus. — Marshall."

83.

Robert Boyce & Richard Boyce
Exrs of James Boyce — Plts
vs
Peter Greenup — Deft

On appeal from the Circuit Court of the United States for the District of West Tennessee —

On consideration of the motion made in this cause by Mr Key of Counsel for the appellee on a prior day of the present term of this court, to wit on saturday the twenty eighth instant to dismiss this cause on the ground that it appears from the transcript of the record in this cause that no appeal bond was taken or approved by the Judge signing the citation

in said cause It is now here ordered and adjudged by this court that for the reason assigned this appeal from the Circuit Court of the United States for the District of West Tennessee be and the same is hereby dismissed. —

Jno. J. Crittenden for Appellee

On motion first made to the Court in this behalf by Mr Cogen It is ordered that Caleb Lewis N.S. Kane of the State of New York be admitted to practise as an Attorney and Counsellor of this Court and he was sworn accordingly. —

75. Richard M. Scott — vs — Giffin & Ezra Lunt & admr

On consideration of the motion made in this cause by Mr Jones of Counsel for the Defendant in Error on a prior day of the present term of this Court, On Saturday the fourteenth instant to dismiss this cause for want of jurisdiction and of the arguments thereupon had. It is now here ordered by this court that the said motion be and the same is hereby overruled and that the rule granted in this cause on Saturday the fourteenth instant be and the same is hereby discharged —

The United States Plff
39 vs
Chas L Penney

On Consideration of the motion made in this cause by Mr Williams of Counsel for the Plaintiff on a prior day of the present term of this Court Found on Saturday the twenty eighth instant It is now here ordered by the Court that this cause be set down for argument on next Monday the sixth proximo.

Nathaniel Cox Val. Deft in Er.
34 vs
The United States.

On Consideration of the motion made in this cause by Mr Attorney General of Counsel for the defendant in error on a prior day of the present term of this Court, found, On Monday the twenty third instant, to dismiss this writ of error on the ground that the defendants in the Court below had sued out several writs of error on the same judgment which was pending several in that Court, and of the arguments thereupon had. It is now here ordered and adjudged by this Court that the said motion be and the same is hereby overruled.—

Abner L Duncan's Exrs Plff in Er.
33 vs
The United States.

The argument of this cause was commenced by Mr Ingersoll for the Plaintiffs in Error and continued by Mr Attorney General for the defendant in Error.—

Proclamation being made the court is adjourned until tomorrow morning at eleven o'clock.—

Tuesday January 31 1832.

Pursuant to adjournment the Court met this morning at the Capitol.—

Present

The Honble. John Marshall Chief Justice
Gabriel Duvall
Joseph Story
Smith Thompson Associate
The Hon.— John McLean Justices.
Henry Baldwin

Henry Ashton Esquire Marshal
William Thomas Carroll Clerk

Proclamation being made the Court is opened

64 Charles A. Davis — vs — Jeffn. Ex. Gano Packard

On consideration of the motion made in this cause by Mr. Sedgwick of Counsel for the defendants in Error at the last January Term of this Court, & on Saturday the Fifth day of February Anno Domini Eighteen hundred and thirty one & upon the writ of error in this cause for the want of jurisdiction and of the arguments of Counsel thereupon had. It is now here considered and ordered by this Court that the said motion be and the same is hereby denied and overruled.— Js. M. Js. Thompson

Tuesday January 31 1832 Continued.

Cadwallader Wallace. — To Error to the Supreme Court
11 — vs — Jefferson &
Isaac L. Tucker — of the State of Ohio sitting
in and for the County of
Brown

This cause came on to be heard on the transcript of the record from the Supreme Court of the State of Ohio sitting in and for the County of Brown and was argued by counsel. On consideration whereof. It is ordered, adjudged and decreed by this court that the judgment and decree of the said Supreme Court in this cause be and the same is hereby affirmed with cost.

Jn. Mc. Ch. Jus. Marshall

Nathan G. Person and — To Error to the Supreme
Samuel Cowles — Court of Errors and appeals
32 — vs — Jefferson &
David Craig — for the State of Tennessee.
This cause came on to be
heard on the transcript of
the record from the Supreme Court of Errors and
appeals for the State of Tennessee. On consideration
whereof It is ordered and adjudged by this Court
that this cause be and the same is hereby dismissed
for want of jurisdiction. — Jn. Mc. Ch. Jus. Marshall.

Henry D. Sherman's Exrs. — The argument of this cause
33 — vs — Jefferson &
The United States — was concluded by Mr. Ingersoll
for the plaintiffs in Error.—

Tuesday January 31 1832 Continued —

The State of New York — Original Action —
to Compt. In Chancery —
The People of the State
of New York — On consideration of
the motion made
in this cause by Mr Cook solicitor for the
Complainant on a prior day of the present
term of this court & fully argued by the counsel
on both sides and on the argument of counsel
thereupon had — This court considers the demurrer
filed in this cause by the Attorney General of
New York as being an appearance for the State
he being a Counsellor in this court and therefore
that the demurrer is regularly filed — If the
Attorney General did not so mean that it is not
a paper which can be considered as in the cause
or be placed on the files of the court. He may
this now that the Attorney General must have
due notice, if he did not intend to enter any
appearance for the State & that a demurrer upon
not to be received —

The demurrer thus being accepted as con-
taining an appearance by the State the Court is
of opinion that it amounts to a compliance
with the order at the last term — In that order
the word "answer" is not used in a technical
sense as an answer to the charges in the bill such
as this, but an answer in a more general sense to
the bill a demurrer is an answer in law to the bill

though not in a technical sense an answer according to the common language of Pleaders

The court therefore considered the demurrer to be set down for argument on the first monday of March next according to the practice of the Complainant this will afford ample time for the State of New York to appear by its counsel and argue the merits of the demurrer at that time - Whereupon it is ordered by the court that the demurrer filed in this cause be and the same is hereby set for argument on the first monday of March next of the present term of this court of which order the Attorney General of the said State must be served with a copy -

Jno. M. Ch. Jno. Marshall

Lessee of Edmund Livingston &c. } Mr Ingersoll of counsel
vs. } for the Plaintiff in
Ohio - Error &c. } Error moved the court
to set down this cause

for argument on Friday next on motion thereof It is ordered by the court that said motion be and the same is hereby overruled. -

Richd Sprigg &c. plff in Er. } Mr Wickins of counsel
vs. } for the Plaintiff in
Lessee of Wm Russell &c. Russell &c. } error moved the court
to postpone the argument

of this cause to the present term of this court on motion thereof. It is ordered by the court that this cause be set

Tuesday January 31 1832 Continued —

The President &c of Cincinnati
vs
Edmund D Baker Defr in Error

On motion of Mr Clay of counsel for the defendant in Error

It is ordered in the court that this cause be set down for argument on next Tuesday the seventh day inst.

Bank United States
vs
William T Welch

The argument of this cause was commenced by Mr Sargent for the plaintiff in Error continued by Mr Ewing for the defendant in Error and concluded by Mr Webster for the plaintiff in Error —

Court unless being sitting the court is adjourned until tomorrow morning at eleven o'clock. —

Wednesday February 1 1832.

Pursuant to adjournment the Court met this morning at the Capitol

Present

The Honorable John Marshall Chief Justice
Gabriel Duvall
Joseph Story
Bushrod Washington
John McKinley
Henry Baldwin
Henry Clay Esqr Counsel learned in the law
William Thomas Carroll Esqr Clerk

Proclamation being made the Court is opened.

The United States plff
vs
George Wilson

On motion of Mr Attorney General of counsel for the plaintiff. It is ordered by the Court that this cause be and the same is hereby set for argument on next monday the 13th instant.

The United States plff
vs
James Pane

On motion of Mr Attorney General of counsel for the plaintiff. It is ordered by the Court that this cause be and the same is hereby set for argument on next monday the 13th instant.

Wednesday February 1 1832. Continued -

1.	Adam McSane Claimant &c. of the Ship Good Friends - vs The United States -	The argument of the cause was commenced by Mr Sergeant for the Claimant and continued by Mr Attorney Generals for the United States

Proclamation being made the Court adjourned until tomorrow morning at eleven O'clock

Thursday February 2 1832 -

Pursuant to adjournment the Court met this morning at the Capitol

Present

The Honorable John Marshall Chief Justice
Gabriel Duvall
Joseph Story
The Hon'ble Smith Thompson Assoc. Justices
John McLean
Henry Baldwin
Henry Ashton Esquire Marshal
William Thomas Carroll Clerk.

Proclamation being made the Court is opened -

Wm. Wirt Attorney Genl &c &c of the Respondents Plaintiffs -
vs
The United States - The argument of this cause was continued by Mr Attorney General for the United States and concluded by Mr Sims for the Claimants -

Walter Bowne Appellt
vs
Francis Wyatt Exr. On motion of the appellant by counsel for the appellees in this cause and by consent of the Clerk of Record for the appellants - It is ordered by the Court that this cause be and the same is finally continued -

Thursday February 2. 1832. Continued.

Francis Wyatt &c. Appltz		On motion of Mr Fitzgerald
8.	vs	of counsel for the appt:
Wallis Brashear		petitions in this cause
		and by consent of Mr

Bibb of counsel for the appellees - It is ordered by the Court that this cause be and the same is hereby continued. -

Hugh Boyle - - Appll		On motion of Mr Veitch
13	vs	of counsel for the
James W. Zacharie &c		Appellees and by
		consent of Mr Wirt

on behalf of the appellant - It is ordered by this court that this cause be set down for argument immediately after No 83 on the docket - Mr Wirt will enable him to proceed therein.

Nathaniel Crane - -		The argument of this
83.	vs Pltff in Err	cause was commenced
Lessee of J. J. Astor &c		by Mr Brackenridge for
		the plaintiff in Error -

Proclamation being made the Court is adjourned until tomorrow morning at eleven o'clock. -

Friday February 3. 1832 -

Pursuant to adjournment the Court met this morning at the Capitol

Present

The Honorable — John Marshall Chief Justice
Gabriel Duvall
Joseph Story
The Honble — Smith Thompson — Associate Justices.
John McLean
Henry Baldwin
Henry Ashton Esquire Marshal
William Thomas Esquire Clerk -

Proclamation being made the Court is opened. -

No. Writ of the United States — In Error to the Circuit Court
for the — vs — Office & — of the United States for the
William T. Hatch — District of Ohio. —

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of Ohio and was argued by counsel. On consideration whereof. It is ordered and adjudged by this Court that the Judgment of the said Circuit Court in this cause be and the same is hereby affirmed with costs -

Jno. Mc Lean. Story

56

Thomas D Clowry & al
vs Appls
Andrew Kincannon

On appeal from the Circuit Court of the United States for the District of Kentucky.

Mr Boughborough of counsel for the appellants having suggested on the record that Andrew Kincannon the appellee had departed this life since the last continuance of this cause and pending this appeal, moved the Court to continue said cause to the next term of this Court with an order of publication in conformity to the twenty eighth rule of this court - Whereupon it is considered and ordered by the court that unless the heirs and legal representatives of the said Andrew Kincannon shall become parties to this appeal within the first ten days of the next January Term of this court the appellants shall be entitled to open the record, and on hearing have the decree of this court reversed in this cause unless it shall be erroneous -

And it is further ordered by this Court that a copy of the present order shall be printed in some newspaper at the seat of Government in which the laws of the United States shall be printed for three successive weeks at least sixty days before the beginning of the next January Term of this Court -

Ex. M. Ch. Jus. Marshall"

Friday February 3. 1832. Continued.

Nathaniel Evans Plff in Er.
vs
Peter J. Ord Defendant in Error

The argument of this cause was continued by Mr Bowdoin for the Plaintiff in Error & by Mr Ogden for the defendant in Error

Whereupon the hearing of the Court is adjourned until tomorrow morning at eleven Oclock. –

Saturday February 4 1832 –

Pursuant to adjournment the Court met this morning at the Capitol.

Present

The Honorable John Marshall Chief Justice
Gabriel Duvall
Joseph Story Associate
The Honble Smith Thompson Justices –
John McLean
Henry Baldwin

Henry Ashton Esquire Marshal
William Thomas Carroll Clerk

Proclamation being made the Court is opened –

On motion first made to the Court in this behalf by Mr Webster – It was ordered that Henry Stone Esquire of the City of Cincinnati in the State of Ohio be admitted to practice as an Attorney and Counsellor of this Court and he was sworn accordingly –

The United States	On a certificate of division in
38. vs Pitt	opinion of the Judges of the
Thomas G. Rowland	Circuit Court of the United
	States for the District of Maryland –

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of Maryland and on the points and questions on which the Judges of the said Circuit

Saturday February 4th 1832 Continued.

Court were opposed in opinion and which were certified to this court for its opinion agreeable to the act of Congress in such case made and provided and was argued by counsel, On consideration whereof It is the opinion of this Court that the evidence offered was admissible. Whereupon It is ordered and adjudged by this Court that it be certified to the said Circuit Court that the evidence offered in this case was admissible. — Js. M. Ans. Thompson.

John Smith & Pfiff
vs
Robert Bell

On a certificate of division in opinion of the Judges of the Circuit Court of the United States for the District of East Tennessee

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of East Tennessee and on the points and questions on which the Judges of the said Circuit Court were opposed in opinion and which were certified to this Court for its opinion agreeable to the act of Congress in such case made and provided and was argued by counsel on the part of the plaintiff, On consideration whereof This court is of opinion that Elizabeth Goodwin took only a life estate by the will of Britain Goodwin, in the slaves belonging to the personal estate of the said Britain Goodwin and that upon Elizabeth Goodwin and that upon Elizabeth Goodwin's death by said will vested

remainder in the said Slaves that would come into possession on the death of the said Elizabeth all of which is hereby ordered and adjudged to be certified to the said Circuit Court as the opinion of this Court. - R. M. Chief Justice. Marshall

The United States - Appellants
vs
Fernando Arredondo et al

55.

Mr Wirt of counsel for the appellant suggesting that this cause was of great magnitude as well to the Claimants as to the United States and on which the government took a deep interest now moved the court to set down this cause for argument on the 6th first proximo and to allow three counsel to argue the cause on either side & and which was resisted by Messrs Webb Berrien and Webster on the part of the Claimants contending that they could not with justice to the interests of their clients consent to a postponement to a later period than the 15th instant but joining in the prayer that the court would in this cause dispense with rule No 23. Whereupon this court not being now here sufficiently advised of and concerning what order to make in the premises, doth hereby order that the same be held under advisement. -

I suspending with the rule No 23 of February Term. Anno Domini Eighteen hundred and thirty two which was ordered by Mr Attorney General on the same side.

Saturday February 4 1832 Continued -

Colen Mitchell vs. Appellt — Mr Wirt of counsel for the appellee suggesting that this cause was of great magnitude as well to the claimants as to the United States and one in which the Government took a deep interest now moved the court to set down this cause for argument on the first of March, and to allow Five counsel to argue the cause on either side disbursing with the rule No 23 of February Term Anno Domini 1812, which was opposed by Mr Attorney General on the same side, and which was resisted by Messrs White, Berrien & Webster on the part of the Claimants contending that they could not with justice to the interests of their client consent to a postponement to a later period than the 15th instant but joining in the Prayer that the court would in this cause dispense with rule No 23. Whereupon this court not being nowhere sufficiently advised of and concerning what order to make in the Premises, doth hereby order that the same be till next adjournment. -

83 Nathaniel Crane Appellt vs Tyler of al Defts in Error — The argument of this cause was continued by Mr Wirt for the Defendant in Error and concluded by Mr Hoffman for the Plaintiff in Error. -

84 Samuel Kelly Pff in Er. vs Lessee of J. J. Astor & al Deft

On motion of Mr Ogden of counsel for the defendant in Error and consent of Mr Berrien of counsel for the Plaintiff in Error - It is ordered by the Court that this cause be set down for argument next monday the sixth Proxima. -

Proclamation being made the Court is adjourned until Monday morning at eleven o'clock. -

Monday February 6th 1832.

Pursuant to adjournment the Court met this morning at the Capitol.

Present

The Honorable John Marshall Chief Justice
Gabriel Duvall
Joseph Story
The Hon'ble Smith Thompson Associate Justices
John McLean
Henry Baldwin
Henry Ashton Dunlap Marshal
William Thomas Carroll Clerk

The Proclamation being made the Court is opened

William W. Wells and Arthur Wells Exors and
William W. Wells Arthur Wells Joseph Scott and
Elizabeth his wife heirs and legal representatives of
John Wells deceased — Appellants.

vs

35.

William Wardle and Alexander Wardle admrs and
Alexander Wardle William Thos Eleanor Lucy
Esmeralda and Sophia Wardle infants by Benjamin
Gleaves their next friend children and heirs of
John Wardle deceased and William Lamb. —
Appellees. —

On appeal from the Circuit Court of the United
States for the District of Ohio. —

This cause came on to be heard on the transcript

Monday February 6th 1832 Continued. –

Court of the United States for the District of Ohio and was argued by counsel, on consideration whereof, It is ordered, adjudged and decreed by this court that that part of the decree of the said Circuit Court in Chancery which refuses a specific execution of the contract, is affirmed; but in order to afford relief for the rents and profits It is further ordered and decreed by this court, that the decree of the said Circuit Court dismissing the bill is hereby opened and that this cause be and the same is hereby remanded to the said Circuit Court for further proceedings to be had therein according to law and justice and in conformity to the decree of this Court. and it is further ordered that each party pay his own costs in this suit

"Jos. M. Hus. J. Stan"

Charles A. Harris pff in err.
vs
Isaac Packard def

W. White of counsel for the pltiff in error having read in open court a letter from M. Sedgwick of counsel for the defendants in error addressed to the Clerk of this Court now moved the court in behalf of M. Sedgwick to permit him to present to the court a written argument in this case on consideration whereof the court doth direct that the counsel for

Monday February 6th 1832 Continued -

Benjamin Gould &c. vs. Mr Chipple of counsel
vs Pissons &c. for the defendant in Error
Oliver Summons. having read in open Court
the following notice and
service, viz. "Messrs E. Baxter and Boyle Randall
Esqrs. Gentlemen I hereby give you notice that
on the 3d day of February next I shall move a
motion in the Supreme Court of the U. States, for
a confirmation of the Judgment of the Circuit
Court in the case of Summons vs Gould. You will
recollect that by agreement of parties on the
record you were to furnish a written argument
as early as the 1st of November ult and to close by
the 20th inst You will also recollect that I have
repeatedly urged Mr Randall to comply with
this agreement and that his reply was that in the
Supreme Court of the State, in a case brought by
E. Baxter himself, for the mere purpose of influ-
encing the decision in Summons vs Gould, had
decided the question in accordance with the
Sup. Court of the U. States that he should have
no further agency in it and accordingly no written
argument has ever been lodged in the Proper office
by him or me - Make it for granted, as the
only question in Summons vs Gould is a question
of local law, which has been decided against you
both by the Supreme and State Courts and as you
have not complied with the necessary agreement
as to the argument that you expect a judgment
against

against you at this Term as a matter of course.
Still as the Court at Newport may require
previous notice of my intended motion in
a case not in the order of the docket, I think
proper thus to apprize you of my intention
in order that you may appear in person or by
counsel, and oppose the motion if you deem
it expedient - I am very Respy Your Ob. Servt. to Com
Whipple, Atty for Olivia Saunders - On the back
of which notice was the following certificate of
service - "State of Rhode Island and Providence
Plantations - Providence Sc. Providence Jan
uary 25 - 1832. Have this day at six o'clock P. M.
served the foregoing notice on Messrs E. Snyder
and Dexter Randall by reading the same in
their presence & hearing and also by leaving with
each a true and attested copy of the same
H. G. Munford Shff of the County of Providence.
Now here moved the Court for a confirmation
of the Judgment of the Circuit Court of the
United States for the District of Rhode Island
in this cause - Whereupon this Court doth order
that the consideration of this motion be and the
same is hereby postponed to Saturday next the
eleventh instant, and that said notice and
service be filed by the Clerk of this Court -

Monday February 6th 1832. Continued.—

The United States Appellants
vs
Fernando Prendando et al Appellees

On consideration of the motion made in this cause by Mr Clark of Counsel for the appellant on the first day of the present term of this court, to wit, On Saturday the fourth instant and of the arguments of Counsel thereupon had, this court doth now hereby order that so much of the said motion as prays the Court to set this cause down for argument on the first of march next be and the same is hereby overruled and refused, but should this cause be reached in the regular call of the docket at an earlier period and the health of counsel not permit them to argue it on such call, then and in that case this court doth order that the same be set down for argument on Monday the 27th instant. And further this Court doth order that so much of the said motion of the Fourth instant as prays the Court to dispence in the argument of this cause with its rule No 3 of February Term Anno Domini Eighteen Hundred and twelve be and the same is hereby granted and that three counsel be permitted to argue this cause on each side, by reason of its great magnitude and importance.—

Monday February 6th 1832 Continued -

Colin Mitchell & al		On consideration of the
	vs	motion made in this
The United States	Appls.	cause by Mr Wirt of
		Counsel for the Appellees

On a prior day of the present term of this Court to wit, on Saturday the fourth instant and of the arguments of counsel thereupon had, this court doth now hereby order that so much of the said motion as prays the court to set this cause down for argument on the first of March next be and the same is hereby overruled and refused; but should this cause be reached in the regular call of the docket at an earlier period and the Fourth of counsel not permit them to argue it on such call, then and in that case this court doth order that the same be set down for argument on Monday the 27th instant. And further this court doth order that so much of the said motion of the fourth instant, as prays the court to dispense in the argument of this cause with the 16 rule 1st 23 of February Term Eighteen Hundred and twelve be and the same is hereby granted and that three counsel be permitted to argue this cause on each side by reason of its great magnitude and importance

Monday February 6th 1832. Continued. -

84	James Ritchie Plff in Err. (&c) vs Jesse of & L. Astor &c	The argument of this cause was commenced by Mr. Beasley for the Plaintiff in Error continued by Mr. Ogden and Mr. Sprit for the defendant in Error and concluded by Mr. Hoffman for the Plaintiff in Error
18	Hugh Boyle - Appl. vs A. A. Lawrence &c and	Mr. Scott of counsel for the appellees in the first named cause moved the court to hear the argument in No. 18 in pursuance of the order made in said cause on Thursday last the second instant, which was objected by Mr. Attorney General of counsel for the plaintiff in No. 39 insisting that No. 39 was entitled to a preference, not only because it was set for the day, but because it is a case in which the government is interested and a criminal case, whereupon the court doth order that No. 39 being a criminal case, is entitled to preference & that counsel do proceed with the argument of the same.
39	The United States - vs Pltff. The L. Lawrence	The argument of this cause was commenced by Mr. Williams for the Plaintiff

Proclamation being made the Court is adjourned

Tuesday February 7th 1832

Pursuant to adjournment the Court met this morning at the Capitol

Present

The Honorable John Marshall Chief Justice
Gabriel Duvall
Joseph Story
The Honorable, Smith Thompson Justices
John McLean
Henry Baldwin
Henry Ashton, Esquire Marshal
William Thomas Carroll, Clerk

Proclamation being made the Court is opened.

Louis McLane Exr. of Allen McLane, dec.d Claimant of a moiety of the forfeiture of the Cargo of the Schooner Friends — Appellant
vs
The United States — Appellee

Appeal from the Circuit Court of the United States for the District of Delaware

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of Delaware and was argued by counsel, on consideration whereof, This court is of opinion that there is error in the decree of the Circuit Court wherein it was ordered that the said Allen McLane do be nothing by his motion for a decree of distribution of the forfeiture decreed by the Circuit Court in the

proceedings in this cause mentioned upon the statement of facts in the same proceedings mentioned, and for the error it is ordered, adjudged and decreed that the decree of the said Circuit Court upon the motion aforesaid be and hereby is reversed and annulled -- And this Court proceeding to render such decree as the said Circuit Court ought to have passed do hereby order, adjudge and decree upon the said motion and statement of facts that the said Allen McLane as Collector wherein mentioned was in his lifetime entitled and that his legal representative is now entitled to receive as his distributive share of the forfeiture aforesaid one full moiety of the whole sum which has been paid by Stephen Girard according to the act of Congress and the remission by the Secretary of the Treasury as in the same statement of facts mentioned -- And the said Allen McLane being now dead, it is further ordered adjudged and decreed that the same full moiety be paid over to his legal representative now appearing and made a party to these proceedings in this Court by Louis McLane the Executor of the last will and testament of the said Allen McLane deceased as his distributive share accordingly, deducting however therefrom the moiety of the said moiety which has been decided by the Treasury Department to belong to the said Allen McLane, if the same has been received by the said Allen McLane, or

Tuesday February 7th 1832. Continued.

39. The United States pltff. vs Chas A. Dunicy ... The argument of this cause was continued by Mr Williams for pltff and by Mr Wirt for defendt.

Proclamation being made the Court is adjourned until tomorrow morning eleven o'clock.

Wednesday February 8th 1832.

Pursuant to adjournment the Court met this morning at the Capitol.

Present

The Honorable John Marshall Chief Justice
Gabriel Duvall
Joseph Story
Smith Thompson
John McLean
Henry Baldwin
Henry Ashton Esquire, Marshal
William Thomas Carroll Clerk

Proclamation being made the Court is opened.

The United States Plff
vs
John L. Dewey

The argument of this cause was continued by Mr Mcnutt for the Defendant and concluded by Mr Williams for the Plaintiff.

The Directors of Cincinnati
vs
Plff in Er
Edward Wade Defendt

The argument of this cause was commenced by Mr Stevens for the Plaintiff in Error.

Proclamation being made the Court is adjourned until tomorrow morning at eleven oclock.

Thursday February 9th 1832.

This court is agreeable to the Court met this morning at the Capitol

Present

The Honorable John Marshall Chief Justice
Gabriel Duvall
Joseph Story
The Hon'ble Smith Thompson Associate Justices
John McLean
Henry Baldwin
Henry Ashton Esquire Marshal
William Thomas Carroll Clerk.

Proclamation being made the court is opened.

Seth Spring and John Spring surviving partners of the firm of Seth Spring & Sons plff in Error

vs

61. William R. Gray, Henry Gray, Harrison Gray Francis C. Gray and John C. Gray Exors of the last will and Testament of William Gray, deceased

} In Error to the Circuit Court of the United States for the District of Maine.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of Maine, and was argued by counsel, On consideration whereof, It is ordered and adjudged by this court that the Judgment of the said Circuit Court in this cause be and the same is hereby affirmed with costs —

1691.

Thursday February 9th 1832 Continued.

The President &c of Cincinnati &c Plff in Err
vs
Samuel Wheeler Defr

The argument of this cause was continued by Mr Storer for the Plaintiffs in Error and by Mr Ewing for the defendants in Error.

Proclamation being made the Court is adjourned to the Court in course meeting at eleven Oclock.

Friday February 10th 1832 -

Pursuant to adjournment the Court met this morning at the Capitol -

Present

The Honorable John Marshall Chief Justice
Gabriel Duvall
Joseph Story
The Hon'ble Smith Thompson Associate Justices
John McLean
Henry Baldwin
Henry Ashton Esquire Marshal
William Thomas Carroll Clerk.

Proclamation being made the Court is open -

50. The Proprietors of Cincinnati &c. Plaintiffs in Error
vs
Edmund Whiteside Defendant

The argument of this cause was continued by Messrs Ewing and Corwin for the Defendant in Error and by Mr Webster for the Plaintiffs in Error -

Proclamation being made the Court is adjourned until tomorrow morning at eleven o'clock. -

Saturday February 11 1832 -

Pursuant to adjournment the Court met this morning at the Capitol

Present

The Honorable John Marshall Chief Justice
Gabriel Duvall
Joseph Story
The Honorable Smith Thompson Associate Justices
John McLean
Henry Baldwin
Henry Ashton Esquire Marshal
William Thomas Carroll Clerk.

No Circuit being held the Court is adjourned -

The Proprietors of Cincinnati vs. Thomas Plaintiffs in Error
Solomon White Defendant

The argument of this cause was concluded by Mr Webster for the Plaintiffs in Error -

Solomon White Defendant in Error
vs.
The Proprietors of Cincinnati Plaintiffs in Error

Mr Stone of counsel for the Defendant in Error moved the Court to set down this cause for argument on Monday next the 13th instant. On consideration whereof It is ordered by the Court that said motion be and the same is hereby overruled -

115. Chesapeake & Ohio Canal Company — pltff in Er
vs
The Union Bank of Georgetown

Mr Key of counsel for the pltff in Error moved the Court to fix a day certain for the argument of this cause — Whereupon this Court not being now here sufficiently advised of and concerning what order to make in the premises doth order that the consideration of the same be postponed —

116. Chesapeake & Ohio Canal Company — pltff in Er
vs
John Mason —

Mr Key of counsel for the pltff in Error moved the Court to fix a day certain for the argument of this cause — Whereupon this Court not being now here sufficiently advised of and concerning what order to make in the premises doth order that the consideration of the same be postponed —

117. Chesapeake & Ohio Canal Company — pltff in Er
vs
Hawes & Calvert

Mr Key of counsel for the pltff in Error moved the Court to fix a day certain for the argument of this cause — Whereupon this Court not being now here sufficiently advised of & concerning what order to make in the premises doth order

Saturday February 11 1832 Continued

The United States Pltff in Er. vs. George Mc.Lemil — The motion made in this cause by Mr Lee of Counsel for the defendant in Error on a prior day of the present term of this court being on Wednesday the 18th ultimo to dismiss this cause for the want of Jurisdiction, was argued by Mr Lee in suppot of the motion and against the Jurisdiction of this Court and by Mr Swann in Suppot of the jurisdiction and against the motion. — y2.

The United States Appellee vs. Joseph Nourse — The motion made in this cause by Mr Lee of Counsel for the Appellee on a prior day of the present term of this court being on Wednesday the 18th ultimo to dismiss this cause for the want of Jurisdiction was argued by Mr Lee in suppot of the motion and against the jurisdiction of this court, and by Mr Swann in favor of the jurisdiction and against the motion. — y3.

Proclamation being made the Court is adjourned until Monday morning eleven o'clock. —

Monday February 13 1832.

Pursuant to adjournment the Court met this morning at the Capitol.

Present

The Honorable John Marshall Chief Justice.
Gabriel Duvall
Joseph Story
The Hon'ble Smith Thompson Associate Justices
John McLean
Henry Baldwin
Henry Ashton Esquire Marshal
William Thomas Carroll Clerk.

Proclamation being made the Court is opened.

39. The United States Plff in Error
vs
John L. Dungey

On a certificate of opinions in opinion of the Judges of the Circuit Court of the United States for the District of Maryland.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of Maryland and on the points and questions on which the Judges of the said Circuit Court were opposed in opinion and which were certified to this Court for its opinion agreeably to the act of Congress in such case made and provided and was argued by counsel, on consideration whereof it is the opinion of this Court.

Monday February 13. 1832. Continued -

I. That it is not necessary that the Jury should believe - from that the Bolivar when she left Baltimore - or when she arrived at St Thomas and during the voyage from Baltimore to St Thomas was armed or in a condition to commit hostilities, in order to find the defendant guilty of the offence charged in the indictment: Therefore the first instruction prayed for on the part of the defendant must be denied, and that on the part of the United States given -

II That the second and third instructions asked for on the part of the defendant should be given

III That the second and third instructions asked for on the part of the United States should also be given

IV That the fourth instruction asked for on the part of the defendant must be denied, and the one asked on the part of the United States, viz. that the indictment is sufficient in law must be given. -

It is therefore ordered and adjudged by this court that it be certified to the said Circuit Court -

I That it is not necessary that the Jury should believe or find that the Bolivar when she left Baltimore and when she arrived at St Thomas, and during the voyage from Baltimore to St Thomas was armed or in a condition to commit hostilities, in order to find the defendant guilty of the offence charged in the indictment. Therefore the first instruction prayed on the part of the defendant must be denied, and that on the part of the United States given. -

II. That the second and third instructions asked for

on the part of the defendant should be given -

III. That the second and third instructions asked for on the part of the United States ought not to be given -

IV. That the fourth instruction asked for on the part of the defendant must be denied, and the one asked on the part of the United States, viz; that the indictment is sufficient in law must be given - "Ph. W. Rhs. Thompson"

On motion first made to the Court in this behalf by Mr Key, It is ordered, that E. C. Wyatt Mcknight Esquire of the State of Pennsylvania be admitted to practise as an attorney and counsellor of this Court and he was person accordingly -

The United States Appl.		The argument of the
vs.		motion to dismiss this
43. Joseph Nourse —		cause for the want
		of jurisdiction was

continued by Mr Attorney General in support of the jurisdiction and against the motion, and concluded by Mr Sergeant against the jurisdiction and in support of the motion -

Hugh Boyle Appl.		The argument of this
vs.		cause was commenced
13. Zacharie & Turner		by Mr Wirt for the
		Appellant. —

Hugh Boyle Jeffries		The argument of this cause
vs		was commenced by Mr
Graham & Turner		Wirt for the Plaintiff
		in Error. —

Proclamation being made the Court is adjourned until tomorrow morning at eleven oclock —

Tuesday February 14 1832.

Pursuant to adjournment the Court met this morning at the Capitol

Present

The Honorable John Marshall Chief Justice
Gabriel Duvall
Joseph Story
The Hon.ble Smith Thompson Associate Justices
John McLean
Henry Baldwin
Henry Ashton Esquire Marshal
William Thomas Carroll Clerk

Proclamation being made the Court is opened -

The United States-plff in Er. } On consideration of
vs. } the motion made in
George Macdaniel - } this cause on friday
} day of the present term
of this Court to wit, on Wednesday the 18th ultimo by Mr Key of Counsel for the defendant in Error to dismiss the cause for the want of jurisdiction and of the arguments of Counsel thereupon had - It is now here ordered by this Court that the said motion be and the same is hereby overruled -

Tuesday February 14 1832. Continued.—

Hugh Boyle Appellt.	The argument of this cause
B. vs	was continued by Mr. Wirt
Zachane & Turner	for the Appellant and
	by Mr. Scott for the
	Appellees —
Hugh Boyle Jeff. &c.	The argument of this cause
20 vs	was continued by Mr. Wirt
Zachane & Turner	for the Plaintiff in Error and
	by Mr. Scott for the defendants
	in Error.

Proclamation being made the Court is adjourned until tomorrow morning at eleven o'clock. —

Wednesday February 15 1832.

Pursuant to adjournment the Court met this morning at the Capitol -

Present

The Honorable John Marshall Chief Justice
Gabriel Duvall.
Joseph Story
The Hon'ble Smith Thompson - Associate Justices
John McLean
Henry Baldwin
Henry Ashton Esquire - Marshal
William Thomas Carroll Clerk.

Proclamation being made the Court is opened -

James Hughes - - - - Plaintiff in Error

vs

The Lessee of Joseph Barthelomew, John Prather, M. W. Goodwin, Andrew Pile John M Carthers William L. Beach Charles Fuller Orlando Raymond, Isaac Hook and Peter Bolloff Trustees of the Town of Clarksville - - Deft in Error

In Error to the District Court of the United States for the District of Indiana -

This cause came on to be heard on the transcript of the record from the District Court of the United States for the District of Indiana and was argued by counsel, on consideration whereof, It is the opinion of this court that the plaintiff below did not

show title to the possession of the premises claimed in the declaration and that there is error in the Judgment of the Court for the District of Indiana in his favor - Whereupon it is ordered and adjudged by this court that the Judgment of the said District Court in this cause be and the same is hereby reversed and that this cause be and the same is hereby remanded to the said District Court with directions to that Court to enter Judgment for the defendant below. —

"Pr. M. Ch. Jus. Marshall"
"M. Jus. Baldwin dissenting"

Hugh Boyle - Appt. vs
15. Jackson & Turner — Appees

The argument of this cause was concluded by Mr. Clark for the appellant. —

Hugh Boyle - Plff in Er.
20. vs
Jackson & Turner —

The argument of this cause was concluded by Mr. Clark for the Plaintiff in Error. —

Nathaniel Carr use &c. Appt &c.
24. vs
The United States —

The argument of this cause was commenced by Mr. Chester for the Plaintiff in Error and continued by Mr. Attorney General for the defendant in Error. —

78.	Benjamin Gould vs Oliver Saunders	On motion of Mr Whipple of Counsel for the defendant in Error - It is ordered that the cause be submitted to the consideration of the Court on the transcript of the record. -

Proclamation being made the Court is adjourned until tomorrow morning at eleven o'clock. -

Thursday February 16. 1832.

Pursuant to adjournment the Court met this morning at the Capitol —

Present

The Honorable John Marshall Chief Justice
Gabriel Duvall
Joseph Story
The Hon Smith Thompson Associate Justices
John McLean
Henry Baldwin
Henry Wm Livingston Mr Justice
William Thomas Carroll Clerk

Mr Cornelius Heyer made the Court a Bow. —

Nathaniel Gaine Plaintiff in Error —

vs

83

James Jackson on the demise of Henry Gouverneur Morris Mary Morris Henry Winckoms John Winckoms executors and Trustees of the Will of the King of the United Kingdom of Great Britain and Ireland, and on the demise of John Jacob Astor Theodosius Fowler Cadwallader D. Colden and Cornelius D. Bogert Citizens of the State of New Jersey — Defendant in Error —

In Error to the Circuit Court of the United States for the Southern District of New York. —

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the Southern District of New York and

Thursday February 16 1832. Continued.

was argued by Counsel, On consideration whereof
It is ordered and adjudged by this Court that
the Judgment of the said Circuit Court in
this cause be and the same is hereby affirmed
with costs. — "P. V. Chs: Story"
"Ths: Baldwin dissenting"

Samuel Kelly — Plaintiff in Error
vs
84. James Jackson on the demise of Henry Gage
Morris Maria Morris, Thomas Hincke & John
Hincks, aliens and subjects of the King of the
United Kingdom of Great Britain and Ireland,
and on the demise of John Jacob Astor Theodosius
Fowler Cadwallader & Colden and Cornelius
A Bogert Citizens of the State of New Jersey —
Defendant in Error —

In Error to the Circuit Court of the United
States for the Southern District of New York
This cause came on to be heard on the transcript
of the record from the Circuit Court of the
United States for the Southern District of New
York and was argued by Counsel, On consider-
ation whereof It is ordered and adjudged by this
Court that the Judgment of the said Circuit
Court in this cause be and the same is hereby
affirmed with costs. — "P. V. Chs: Story"
"Ths: Baldwin dissenting"

Thursday February 16 1832. Continued

	Nathaniel Gaylord &	The argument of this cause
34.	" vs " Pltffs in Er.	was continued by Mr.
	The United States	Attorney General for the
		defendant in Error and

concluded by Mr. Johnson for the Plaintiffs in Error

	Thomas Ireland & al	The argument of this cause
16.	" vs " Pltffs	was commenced by Mr.
	Daniel Wilkins &	Sullen for the Plaintiffs.

Proclamation being made the Court is adjourned until tomorrow morning at eleven o'clock. —

Friday February 17. 1832.

pursuant to adjournment the Court met this morning at the Capitol.

Present

The Honorable John Marshall Chief Justice
Gabriel Duvall
Joseph Story
The Hon'ble Smith Thompson Associate Justices
John McLean
Henry Baldwin
Henry Ashton Esquire Marshal
William Thomas Carroll Clerk

Proclamation being made the Court is opened.

Nathaniel Craine Plff in Er. } On motion of
83 v. } Mr Wirt of
Lessee of S. S. Stewart } Counsel for
the Defendant
in Error in this cause suggesting to the Court that the action of the Legislature of New York which was now in session was relied upon in this cause for the interest of the Defendant in Error. It is ordered by the Court that the Clerk do forthwith issue the Mandate in this cause.

Friday February 17 1832 Continued

Samuel Kelly plff in Er
84 vs
Jesse J. Dobie def

On motion of Mr Wirt of Counsel for the defendant in Error in this cause day was given to the Court that the motion of the Legislature of New York which was now in Session was necessary in this cause for the interest of the defendant It is Ordered by the Court that the Clerk do forthwith issue the mandate in this cause

Thomas Pollard plff in Er
30 vs
James M Elkins def

The argument of this cause was continued by Mr Hallow for the plaintiff and by Mr Whipple for the defendant.

Proclamation being made the Court is adjourned until tomorrow morning at eleven Oclock.

Saturday February 18 1832.

Pursuant to adjournment the Court met this morning at the Capitol

Present

The Honorable John Marshall Chief Justice
Gabriel Duvall
Joseph Story
The Hon'ble Smith Thompson
John McLean
Henry Baldwin

Henry Ashton Esquire Marshal
William Thomas Carroll Clerk

Proclamation being made the Court is opened.

The United States } Error
vs. } to
Joseph Nourse } Circuit Court of the
United States for the
District of Columbia

holden in and for the County of Washington.

This cause came on to be on the Transcript of the record from the Circuit Court of the United States for the District of Columbia holden in and for the County of Washington and on the motion of the counsel for the appellee to dismiss this appeal for the want of jurisdiction and after the arguments of Counsel thereupon had. On consideration whereof. It is the opinion of this Court that the said Circuit Court cannot entertain

Saturday February 18 1832 Continued —

jurisdiction of the appeal to the said Circuit Court in this cause from the District Court of the United States for the District of Columbia and that cognizable by this court as a court of revision in this cause but for the purpose of ordering the record of the said Circuit Court entertaining such jurisdiction Whereupon it is ordered and adjudged by this court that the decree of the said Circuit Court entertaining jurisdiction in this cause be and the same is hereby reversed, and that this appeal to this court be and the same is hereby dismissed for the want of jurisdiction all of which is hereby ordered to be certified to the said Circuit Court as the mind of this court. —

Wm. M. Chs. McLean" —

William Tyrrell's heirs — — Mr Coxe of counsel for the
34. &c Appellants and Plaintiffs in Error in
Andrew Montree &c Defendants this cause moves the
Court to rescind and set
aside the order of dismission entered in this cause
at the last term of this present term of this court, Nunc
pro Tunc, the twenty fourth instant and to reinstate
the same on the docket. On consideration Whereof
It is now here ordered by the court that the said
order of dismission be and the same is hereby annulled
and rescinded and that this cause be and the same
is hereby reinstated on the Calendar of this court. —

Jo. M. Ch. Jus. Marshall"

Saturday February 18 1832. Continued.—

Thomas Leland, and Cynthia Brown Leland, wife of the said Thomas both of Windsor, in the County of Windsor in the Vermont District, George Carlton and Elizabeth Ursula Carlton wife of the said George both of Lunenburg in the County of Essex in the said Vermont District, Samuel Hastings the Second of that name, and Jonathan Lincoln Hastings, both of St Johnsbury in the County of Caledonia, in the said Vermont District, William Lewis Hastings of Craftsbury in the County of Orleans in the said Vermont District, Lambert Hastings and Joel Hastings, both of St Johnsbury, Harriet Marie Hastings of said Windsor, all citizens of the State of Vermont and Hubbard Hastings of Haverhill in the County of Grafton in the New Hampshire District a citizen of the State of New Hampshire minors under Lambert Joel Harriet Marie and Hubbard as minors under the age of twenty one years, and sue by Samuel Hastings of said St Johnsbury, a citizen of the State of Vermont, their next friend — Plaintiffs —

36 vs

Jesse M Atkinson, of North Providence in the County of Providence in the Rhode Island District a citizen of the State of Rhode Island and Providence Plantations, Manufacturer. — Defendant —

On a certificate of division in opinion of the Judges of the Circuit Court of the United States for the District of Rhode Island —

Saturday February 18 1832 Continued -

On motion of Mr Whipple of counsel for the defendants and by consent of Mr Webster of counsel for the plaintiffs It is ordered and adjudged by this Court that this cause be and the same is hereby remanded to the Circuit Court of the United States for the District of Rhode Island for further proceedings to be had therein according to law and justice - Ch. J. Mr. Ch. Jus. Marshall "Mr. Jus Baldwin dissenting"

83 Kegs of Sugar - Mr Attorney General of counsel for the defendants suggesting to the Court that he is advised that the Government of the United States - is interested in the subject matter of this cause and therefore moved the Court to postpone the hearing thereof until the present Term of this Court by reason of the principles involved therein moved the Court to fix a day certain for the argument of this cause, to which Mr Morton of counsel for the claimants objected on the ground that the Court not having more sufficiently advised of and concerning what ought to be the premises doth order that the same be held over accordingly -

The United States Plff in Err vs Orin Peer - The argument of this cause was commenced by Mr Key Attorney General for the Plff in Err

118. Bernardo Sampayo Vol. Appl. vs The United States – Mr. Attorney General of counsel for the Appellee suggesting to the Court that it was very desirable to the Government to have this cause decided at the present term of this court by reason of the principles involved therein – moved the Court to fix a day certain for the argument of this cause to which Mr. Sandridge of counsel for the Appellants joined – the cause is taken under advisement of the Court not being now sufficiently advised of and concerning what order to make in the premises, doth order that the same be kept under advisement. –

77 The United States Appl. vs James Paul – – This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the Southern District of New York and on the point and question on which the Judges of the said Circuit Court were opposed in opinion and which was certified to this Court for its opinion agreeably to the act of Congress in such case made and provided and was argued by counsel, on consideration whereof it is the opinion

Saturday February 18 1832 Continued.-

of this court that the third section of the act of Congress entitled "An act more effectually to provide for the punishment of certain crimes against the United States and for other purposes" passed March 3d 1825 is to be limited to the laws of the several States in force at the time of its enactment and of which is hereby ordered and adjudged by this court to be exclusive of the circuit Court.—

Jno. Marshall

Daniel Boardman Pltff in Er. vs. Joseph Lee Deft in Er. and George F. McNeil Deft in Er. vs. Joseph Lee Pltff in Er.

26. The argument of this cause was commenced by Mr. Maxwell for the Plaintiff in Error continued by Mr. Gaines for the Defendants in Error and concluded by Mr. Maxwell for the Plaintiff in Error

(Proclamation being made the Court is adjourned until Monday morning at eleven o'clock.—

Monday February 20th 1832.

Pursuant to adjournment the Court met this morning at the Capitol

Present

The Honorable John Marshall Chief Justice
Gabriel Duvall
Joseph Story
The Honble Smith Thompson Associate Justice
John McLean
Henry Baldwin
Henry Ashton Esquire Marshal
William Thomas Carroll, Clerk

Proclamation being made the Court is opened

On motion first made to the Court in this behalf by Mr Fendinghuysen. It is ordered that Silas Manners Esquire of the State of New Jersey be admitted to practise as an attorney and counsellor of this Court and he was sworn accordingly

On motion first made to the Court in this behalf by Mr Sergeant - It is ordered that S. D. Norris Esquire of the State of Pennsylvania be admitted to practise as an attorney and counsellor of this Court and he was sworn accordingly -

Monday February 20 1832 Continued

98.	Samuel A Worcester Plff in Error vs The State of Georgia	The argument of this cause was commenced by Mr Sergeant for the Plaintiff in Error. —
99.	Elegius Butler Plff in Er. vs The State of Georgia	The argument of this cause was commenced by Mr Sergeant for the Plaintiff in Error —

Proclamation being made the Court is adjourned until to morrow morning at eleven o'clock. —

Tuesday February 21 1832.

Pursuant to adjournment the Court met this morning at the Capitol

Present

The Honorable John Marshall Chief Justice
Gabriel Duvall
Joseph Story
The Hon'ble Smith Thompson Associate Justices
John McLean
Henry Baldwin
Henry Ashton Esquire Marshal
William Thomas Carroll Clerk

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr Peters It is ordered that James McClintock Esquire of the State of Pennsylvania be admitted to practise as an Attorney and Counsellor of this Court and he was sworn accordingly.—

On motion first made to the Court in this behalf by Mr Peters It was ordered that Henry Seymour Esquire of the State of New York and William Trimble Esquire of the Territory of Arkansas be admitted to practise as Attorneys and Counsellors of this Court and they were severally sworn accordingly.—

Tuesday February 21 1832 Continued. -

Hugh Boyle. Appll
vs
James M Zachariah
Samuel H. Turner

Appeals from the Circuit Court of the United States for the District of Maryland.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of Maryland and was argued by counsel, on consideration whereof, It is ordered and decreed by this court that the decree of the said Circuit Court in this cause be and the same is hereby affirmed with costs. -

Pr. M. Thos. Story

Hugh Boyle pff in Er
vs
James M Zachariah & Samuel H. Turner

In Error to the Circuit Court of the United States for the District of Maryland.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of Maryland and was argued by counsel, on consideration whereof, It is ordered and adjudged by this court that the Judgment of the said Circuit Court in this cause be and the same is hereby affirmed with costs and damages at the rate of Six per centum per annum. -

Pr. M. Thos. Story

Tuesday February 21 1832. Continued

Samuel Bowman Samuel Gould Robert Jones
Russell Knowlton Warren Knowlton Thomas
Chichester Robert Clark Ezra Brooks James Clark
Abraham Wells Daniel Haines Rice Vincent
William S. Jones Isaac Bayard William
Rice Joseph McKinney William Clark Elijah
Phillips Bezar Phillips James Bartlett Samuel
Hopkins Daniel Phillips James Wells John
Vincent Aaron Gould Sen. Aaron Gould Jr.
William Phillips Ezra Ward Henry Winemiller
Cyprus Rice and Oliver House — Plffs in Error

26 vs

The Rev. of Geo. C. McCall and William C.
McCall and Eve Thomas Ford Samuel Ford Margaret
Ford John Ford Ann Ford Mary Ford Archibald McCall
Jr. Geo. McCall Geo. Taylor Archibald McCall
Mary Cadwallader Ann Ford Thos G. McCall
Peter McCall Margaret J. McCall Samuel McCall
Harriet McCall Richard McCall William McCall
Catharine McCall Robert McCall Henry McCall
William Hansel and Eliza his wife Benjamin
Smith and Margaret his wife Robert Ruleson and
William Pelton — Defendants in Error —

In Error to the District Court
of the United States for the Eastern District of Virginia

This cause came on to be heard on the transcript
of the record from the District Court of the United
States for the Western District of Virginia and was
argued by counsel on consideration whereof It is

Tuesday February 21 1832 Continued. —

Ordered and adjudged by this Court that the Judgment of the said District Court in this cause be and the same is hereby affirmed with Costs. —

Ps. Mr. Chief Justice Marshall"

James O. A. Ogilvie vs. The State of Georgia

The argument of this cause was continued by Mr. Wirt for the Plaintiff in Error.

Elijah Butler Plff in Er. vs. The State of Georgia

The argument of this cause was continued by Mr. Wirt for the Plaintiff in Error

Proclamation being made the Court is adjourned until tomorrow morning at eleven o'clock. —

Wednesday February 22 1832. -

Pursuant the adjournment the Court met this morning at the Capitol

Present

The Honorable Thos. Marshall Chief Justice
Gabriel Duvall
Joseph Story
The Hon'ble Smith Thompson - Associate Justices
John McLean
Henry Baldwin
Henry Ashton Esquire - Marshal
William Thomas Carroll Clerk

Proclamation being made the Court is opened -

This being the Centennial birth day of General George Washington the Court determined to attend divine service in the Capitol

Proclamation being made the Court is adjourned until tomorrow morning at eleven oclock. -

Thursday February 23d 1832

Pursuant to adjournment the Court met this morning at the Capitol

Present

The Honorable John Marshall Chief Justice
Gabriel Duvall
Joseph Story
The Hon'ble Smith Thompson Associate Justices
John McLean
Henry Baldwin
Henry Stilson Esquire Marshal
William Thomas Carroll Clerk.

Proclamation being made the Court is opened

Nathaniel Cox, Nathaniel Dick and John Dick — In Error to the District Court of the United States for the District of East Louisiana —
vs.
The United States —

This cause came on to be heard on the transcript of the record from the District Court of the United States for the District of East Louisiana and was argued by Counsel. On consideration whereof, It is ordered and adjudged by this Court that the judgment of the said District Court in this cause be and the same is hereby reversed and that this cause be and the same is hereby remanded to the said District Court with directions to award a venire

Thursday February 23d 1832 Continued —

	Elisha Livingston & Henry Maynard —	In Error to the Circuit
16.	vs Fifth —	Court of the United
	Joseph Grant and	States for the Southern
	Solomon Townsend —	District of New York. —

The cause came on to be heard on the Transcript of the record from the Circuit Court of the United States for the Southern District of New-York and was argued by counsel; On consideration whereof, It is the opinion of this court that the said Circuit Court erred in instructing the Jury that the patent would not be void on this ground, unless such defective or imperfect specification or description arose from design, and for the purpose of deceiving the public. Whereupon It is ordered and adjudged by this Court that the Judgment of the said Circuit Court in this cause be and the same is hereby reversed and that this cause be and the same is hereby remanded to the said Circuit Court with directions to award a venire facias de novo. —

"Pl. Mc. Chief Justice Marshall"

	Samuel A. Worcester	The argument of this
98.	vs Error to	cause was concluded
	The State of Georgia	by Mr Wirt for the
		Plaintiff in Error. —

Thursday February 23. 1832. Continued -

Elijah Butler - Plff in Err	The argument of this cause
"	was concluded by Mr
The State of Georgia ..	Wirt for the Plaintiff
	in Error. -

On motion first made to the Court in this behalf by Mr Webster - It is ordered that Granville Mellen Esquire of the State of Maine be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly -

Supervisors of Montgomery County	The argument of this cause
"	was commenced by Mr
Peter - Defts -	Hoffman for the Plaintiffs -

Proclamation being made the Court is adjourned until tomorrow morning at eleven Oclock. -

Friday February 24. 1832. —

Pursuant to adjournment the Court met this morning at the Capitol.

Present

The Honorable John Marshall Chief Justice
Gabriel Duvall
Joseph Story
The Honble Smith Thompson Associate Justices —
John McLean
Henry Baldwin
Henry Ashton Esquire Marshall
& William Thomas Carroll Clerk

Proclamation being made the Court is opened —

Benjamin Gould, Joseph Randall, William Randall, John Randall, Stephen Randall, Martha Randall, Sally Brown formerly her Guardian Stephen Martin / Amey Martin, Israel Arnold, Susannah Boyden, Anna Boyden, Jacob Boyden, Stephen Boyden, Edmund Boyden, Amey Brown, Edmund Boyden Jr. and Thomas P. Reed — Plaintiffs in Error.

vs

78. Oliver Saunders of Woodstock in the State of Connecticut, Freeman a citizen of the State of Connecticut — Defendant in Error.

In Error to the Circuit Court of the United States for the District of Rhode Island — This cause came on to be

Friday February 24 1832. Continued –

Court on the transcript of the record from the Circuit Court of the United States for the District of Rhode Island and was argued by Counsel on consideration whereof, It is adjudged and ordered that the judgment of the said Circuit Court in this cause be and the same is hereby affirmed with costs

Jos. McLean Assc. Justice

Stephen Van Rensselaer Jr. Exr &c Plff in Error
vs
Peleg McCarter Defdt

The argument of this cause was continued by Mr Hoffman for the Plaintiff by Mr Wirt for the Defendant and concluded by Mr Hoffman for the Plaintiff

The Commission being issued the Court is adjourned until tomorrow morning at eleven o'clock –

Saturday February 25 - 1832.

Pursuant to adjournment the Court met this morning at the Capitol.

Present

The Honorable John Marshall Chief Justice
Gabriel Duvall
The Honorable Joseph Story Associate Justices
Smith Thompson
John McLean
Henry Ashton Esquire Marshal
William Thomas Carroll Clerk

Proclamation being made the court is opened

Ex parte: Joseph Roberts
In the matter of The United States upon the information of
M. M. Noah Surveyor of the Port of New York &c. &c. &c. cases
of Cloth No. 180. 181. 182. 183. 184. marked T. Joseph Roberts
Claimant" on motion for a mandamus to the District
Court of the United States for the Southern District of
New York -

Mr Dunscomb of Counsel for
the Claimant in the above named case in pursuance of a written notice given to the Counsel for the United States now files in open court with proof of due service of the same on the Counsel of the United States moved the court for a writ of mandamus to be directed to the District Court of the United States for the Southern District of New York, com-

manding the said District Court to set aside the Verdict or Judgment taken by default in the above named cause against five of the above mentioned five cases of cloth, the Jury acquitting one of them, or commanding the said District Court to show cause why the said Verdict or Judgment by default ought not to be set aside: and further moved the court for such other and further relief in the premises as the said court shall seem just and proper - whereupon the Court not being now here sufficiently advised of and concerning the Judgment and order to be made in the premises doth order and adjudge that the consideration of said motion be and the same is hereby postponed -

Caspar Ker George - Sedshead -

In the matter of the United States upon the information of R. M. Mook Jenner of the Port of New York the Five Bales of cloth Nos 26 27 28 marked St George Sedshead claimants on motion for a mandamus to the District Court of the United States for the Southern District of New York

Mr Beasley of Counsel for the claimants in the above named case in pursuance of a certain notice given to the counsel for the United States now filed in open Court with proof of due service of the same on the Counsel of the United States, moved the court for a writ of mandamus to be directed to the District Court of the United States for the Southern district of New-York, com-

Saturday February 25 1832 Continued.-

manding the said District Court to set aside the verdict or Inquest taken by default in the above named cause; & commanding the said District Court to show cause why the said verdict or Inquest ought not to be set aside: and further moved the court for such other or further relief in the premises as the said court should deem just and proper. Whereupon this court not being now fully sufficiently advised of and concerning the Judgment and order to be made in the premises, doth order and adjudge that the consideration of said motion be and the same is hereby postponed. —

Robert Oliver vs. Appls. } Mr Hoffman of
No counsel for the
Williams Clerk &c } Appellees having
filed no record
in open Court the following Entry

"1 Motion to dismiss the appeal or appeals.

"2 Motion that the causes be dismissed at the cost of

The undersigned Counsel for the Appellees pray leave to move this Honorable Court that the cause be dismissed for want of jurisdiction and for other reasons, and that the said cause if not dismissed for said reasons may be finally disposed of at the present term. He prays leave to file with the present motion his reasons for the said motion in a printed pamphlet marked A a copy of which he

has placed in the hands of the counsel for the Appellants and further moves this honorable court to assign [illegible] to present cause for the argument of said motions. He also begs leave to state that on his part no other argument will be made than what is contained in the said printed statement marked A and also his belief that the cause will occupy the court but a short time. Now comes the court & fix a day certain for the argument of said motions. Whereupon it is ordered by the court that the said motions in this cause be set down for argument on Saturday next the third instant —

58 Joseph Barclay Appellant vs. The argument of this
cause was commenced
by Mr McPherson for the
Plaintiffs in Error and
continued by Mr Swann for the Defendant in Error —
Joseph McKeand & Hamer

Recess until ten o'clock the court is adjourned
until tomorrow morning at eleven o'clock. —

Monday February 27th 1832

Pursuant to adjournment the Court met this morning at the Capitol

Present

The Honorable John Marshall Chief Justice
Gabriel Duvall
Joseph Story
The Honble Smith Thompson Associate Justices
Henry Baldwin
William Thomas Carroll Clerk

Proclamation being made the Court is adjourned

38. Joseph Barclay Vol. Affidavit — The argument of this cause was continued by Mr Sergeant for the defendant in error

Depos of Richard M. Cramer

Proclamation being made the Court is adjourned until tomorrow morning at eleven o'clock

Tuesday February 28th 1832.

Pursuant to adjournment the Court met this morning at the Capitol

Present

The Honorable John Marshall Chief Justice
Gabriel Duvall
The Honble Joseph Story Associate Justices
Smith Thompson
John McLean
Henry Ashton Esquire Marshal
William Thomas Carroll Clerk -

The Court being now set the Court is opened -

The President Aldermen and Justices of the City of Cincinnati
vs.
The Pleffs in Er.
Thomas Worthington Edmund Wells

In Error to the Circuit Court of the United States for the District of Ohio.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of Ohio and was argued by Counsel. On consideration whereof It is ordered and adjudged by this Court that the Judgment of the said Circuit Court in this cause be and the same is hereby reversed and that this cause be and the same is hereby remanded to the said Circuit Court with directions to award a venire facias de nova -

J. M. Jno. Thompson

Tuesday February 28th 1832. Continued.

Joseph Barclay vs.		The argument of this
38.	To	cause was concluded
Libel of Richard W. Howell		by Mr. Wheaton for
		the Plaintiffs in Error.

On motion first made to the Court on this behalf by Mr. Wirt. It is ordered that R. N. Craft Esqr. of the Territory of Florida be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly. —

Ex parte: Joseph Roberts

In the matter of the United States upon the information of M. M. Hawk Surveyor of the Port of New York two Six cases of Cloth Nos. 180. 181. 183. 183 & 184 numbered & Joseph Roberts Claimant. On motion for a mandamus to the District Court of the United States for the Southern District of New York: —

On consideration of the motion made in this case on a prior day of the present term of this Court, viz. on Saturday the 25th instant by Mr. Barnaby of counsel for the Claimant, for a mandamus to be directed to the District Court of the United States for the Southern District of New York commanding the said District Court to set aside the verdict or inquest taken by default in the above named case against five of the above mentioned six cases of Cloth, the Jury acquitting one of them, or commanding the said District Court to show

cause why the said verdict & inquest by default ought not to be set aside, and for such other and further relief in the premises as this court should deem just and proper, and of the exhibits filed in the cause as well by the said counsel of the Claimant as by Mr Attorney General in behalf of the United States –

Which now here read and considered by this Court that the Mandamus prayed for be and the same is hereby refused and that the said motion be and the same is hereby overruled. Ph. W. Ch. Jus. Marshall

Ex parte George Ashford

In the matter of the United States upon the information of H. M. Ivat Surveyor of the Port of New York for three Bales of Cloth D. 2[illegible]28 marked & George Ashford Claimant &c motion for a mandamus to the District Court of the United States for the Southern District of New York –

On consideration of the motion made in this case on a prior day of the present term of this court, to wit, on Saturday the 25th instant by Mr Bradley of counsel for the claimant for a mandamus to be directed to the District Court of the United States for the Southern District of New York commanding the said District Court to set aside the verdict & inquest taken by default in the above named case, & commanding the said District Court to shew cause why the said verdict & inquest by default ought not to be set aside and for such other and further relief in the premises as this court should deem just and proper, and of the exhibits

filed in the case as well by the said Counsel of the Claimant as by the Attorney General on behalf of the United States - It is now here moved and adjudged by this Court that the motion for be and the same is hereby refused and that the said motion be and the same is hereby overruled - Jno. Mc Ch Jno. Marshall

Proclamation being made the Court is adjourned until tomorrow morning at eleven oclock -

Wednesday February 29 1832.

Pursuant to adjournment the court met this morning at the Capitol.

Present

The Honorable John Marshall Chief Justice
Gabriel Duvall
Joseph Story
The Hon'ble Smith Thompson Associate Justices
John McLean
Henry Baldwin
Henry Ashton Esquire Marshal
William Thomas Carroll Clerk.

Proclamation being made the Court is opened.

The Residents of Cincinnati &c
vs
Jeffreys &c
Defts in Error

On motion of Mr Wheaton suggesting that it was very desirable to the parties that the Mandate in this case should be remitted to the Circuit Court of Ohio as speedily as possible. It is ordered by the Court that the Clerk do forthwith issue the mandate in this case as prayed for.

30

The United States Appellants
vs
Fernando Brevards Exr

The argument of this cause was commenced by Mr Ball for the Appellant.

35

Proclamation being made the Court is adjourned until

Thursday March 1 1832.

Pursuant to adjournment the Court met this morning at the Capitol.

Present

The Honorable John Marshall Chief Justice
Gabriel Duvall
Joseph Story
The Hon'ble Smith Thompson Associate Justices
John McLean
Henry Baldwin

Henry Ashton Esquire Marshal
William Thomas Carroll Clerk.

Proclamation being made the Court is opened.

James Jackson ex dem. Marconi
Levy Hayden & Levy Chapman
Levy and Rosina his wife. Belle
Kent, Belle Coker, Rheinick
Marconi, Flora Levy and Isaac
Henry. — Plaintiff

15. To

Peter McCarter ——

Olive on certificate of division in opinion of the Judges of the Circuit Court of the United States for the Southern District of New York. This cause came on to be heard on the

transcript of the record from the Circuit Court of the United States for the Southern District of New York and on the point and question on which the Judges of the said Circuit Court were opposed in opinion and which was certified to this Court for it

Thursday March 1 1832. Continued.—

opinion agreeably to the act of Congress in such case made and provided and was argued by Counsel, On consideration whereof It is the opinion of this Court that the lessee of the Plaintiff Bella Cohen and Rhina Mordecai were not capable of taking by descent the premises described in the special verdict in the case, Whereof the said Philip Jacobs died seized as therein stated as heir at law of the said Philip Jacobs by reason of the alienage of the mother of the said Philip Jacobs and his maternal Uncle Diepman Cohen and their father, the lessee of the Plaintiff deriving their pedigree and title by descent through mediate alien ancestors. Whereupon it is ordered and adjudged by this Court that it be certified to the Judges of the said Circuit Court that the lessee of the Plaintiff Bella Cohen and Rhina Mordecai were not capable of taking by descent the premises described in the special verdict in the case, whereof the said Philip Jacobs died seized as therein stated, as heir at law of the said Philip Jacobs by reason of the alienage of the mother of the said Philip Jacobs and his maternal Uncle Diepman Cohen and their father, the lessee of the Plaintiff deriving their pedigree and title by descent through mediate alien ancestors.—

Mr Justice Story

The United States. 66/60
vs.
Fernando Wood & al

The argument of this cause was continued by Mr Call for the Appellant.

(For Law Term) Court is adjourned

Friday March 2 1832.

Pursuant to adjournment the Court met this morning at the Capitol.

Present

The Honorable John Marshall Chief Justice
Gabriel Duvall
Joseph Story
The Hon'ble Smith Thompson } Associate Justices
John McLean
Henry Baldwin
Henry Ashton Esquire Marshal
William Thomas Carroll Clerk

Proclamation being made the Court is opened

The United States Appellants
vs
Fernando Arredondo Appellee

The argument of this cause was continued by Mr Crittenden for the Appellant.

65

Proclamation being made the Court is adjourned until tomorrow morning at eleven o'clock.

Saturday. March 3d 1832.

Pursuant to adjournment the Court met this morning at the Capitol.

Present

The Honorable John Marshall Chief Justice
Gabriel Duvall
Joseph Story
The Honble Smith Thompson Associate Justices
John M'Lean
Henry Baldwin
Henry Ashton Daniel Marshal
William Thomas Carroll Clerk.

Proclamation being made the Court is opened

Samuel A. Worcester &c. } In Error to the Superior Court
vs } for the County of Gwinnett
The State of Georgia. } in the State of Georgia.

This cause came on to be heard on the transcript of the record from the Superior Court for the County of Gwinnett in the State of Georgia and was argued by counsel On consideration whereof it is the opinion of this Court that the act of the Legislature of the State of Georgia upon which the indictment in this case is founded is contrary to the constitution Treaties and laws of the United States; and that the special Pleas in bar pleaded by the said Samuel A. Worcester in manner aforesaid, and relying upon the constitution Treaties and laws of

the United States aforesaid is a good bar and defence to the said Indictment by the said Samuel A Worcester and as such ought to have been allowed and admitted by the said Superior Court for the County of Gwinnett in the State of Georgia before which the said Indictment was pending and tried; and that there was error in the said Superior Court of the State of Georgia in overruling the plea so pleaded as aforesaid

It is therefore ordered and adjudged that the Judgment rendered in the premises by the said Superior Court of Georgia upon the verdict upon the plea of not guilty aforesaid pleaded by the said Samuel A Worcester whereby the said Samuel A Worcester is sentenced to have taken in the penitentiary of the State of Georgia, ought to be reversed and annulled. And this Court proceeding to render such Judgment as the said Superior Court of the State of Georgia should have rendered it is further ordered and adjudged that the said Judgment of the said Superior Court be and hereby is reversed and annulled, and that Judgment be and hereby is rendered that the special plea in bar so as aforesaid pleaded is a good and sufficient plea in bar in law to the Indictment aforesaid, and that all proceedings on the said Indictment be forever perpetually and that the said Samuel A Worcester be and hereby is discharged from the premises thereof, and that he go thereof

quick without any. And that a special mandate
do go from this Court to the said Superior Court to carry
the Judgment into execution. — [illegible] the Sec. Marshall

Elizur Butler Plff in Er.		In Error to the Superior
	in	Court for the County of
99		
The State of Georgia		Gwinnett in the State
		of Georgia.

This cause came on to be heard on the transcript
of the record from the Superior Court for the County
of Gwinnett in the State of Georgia and was argued by counsel, On Consideration whereof, it is the opinion
of this court that the act of the Legislature of the State
of Georgia, upon which the Indictment in this case
is founded is contrary to the Treaties laws of the
United States, and that the special plea in bar
pleaded by the said Elizur Butler in manner
aforesaid and relying upon the Constitution, Treaties
and laws of the United States aforesaid are good
bar and defence to the said Indictment by the said
Elizur Butler, and as such ought to have been
allowed and admitted by the said Superior Court
for the County of Gwinnett in the State of Georgia before
which the said Indictment was pending and tried,
and that there was error in the said Superior Court
of the State of Georgia in overruling the plea so pleaded
as aforesaid. It is therefore ordered and adjudged,
that the Judgment rendered in the premises by the
said Superior Court of Georgia upon the record upon

the plea of not guilty afterwards pleaded by the said Elisha Butler, whereby the said Elisha Butler is convicted to have been in the Penitentiary of the State of Georgia, ought to be reversed and annulled. And this Court proceeding to render such judgment as the said Superior Court of the State of Georgia should have rendered, it is further ordered and adjudged that the said judgment of the said Superior Court be and hereby is reversed and annulled; and that judgment be and hereby is entered that the special plea in bar so as aforesaid pleaded is a good and sufficient plea in bar in law to the said Indictment aforesaid and that all proceedings on the said Indictment do forever perpetuate, and that the said Elisha Butler be and hereby is thereof forthwith discharged therefrom, and that he go thereof quit without day. And that a special mandate do go from this court to the said Superior Court to carry this Judgment into execution.—

"Ps. Mr. Ch. Jus. Marshall"

Samuels. A. Ls. master p. ff. m.

98. The State of Georgia —

On motion of Mr. Wirt of Counsel for the plaintiff in Error suggesting to the Court that it was very desirable that the mandate of this court should be forthwith

Saturday March 3 1832 Continued

ipsum, was made as the Prisoner was now confined in Prison under the Sentence of the Superior Court for the County of Glynn in the State of Georgia which Court would be shortly in Session - It is now here ordered by the court that the Clerk of this court do forthwith issue the mandate in this case. -

99 Elijah Butler, Plff in Er. vs The State of Georgia - On motion of Mr Swith of Counsel for the Plaintiff in Error suggesting to the Court that it was very desirable that the mandate of this court should be forthwith issued inasmuch as the Prisoner was now confined in Prison under the Sentence of the Superior Court for the County of Glynn in the State of Georgia which Court would be shortly in session - It is now here ordered by the Court that the Clerk of this Court do forthwith issue the mandate in this case. -

31 The Proprietors of Charles River Bridge vs The Proprietors of Warren Bridge et al. The Court not being now sufficiently advised of and concerning what Judgment to give in this cause, one of the Justices of this Court setting on the argument of the cause being absent and there being a diversity of opinion on the bench in the same, and as it is probable that the Court that the court will be often required a reargument of the same. doth hereby order that this cause be held

Saturday March 3 1832. Continued.-

31	Jesse of Jones Exr. vs Jeffrs. Charles McClung	The motion of Mr Clark of counsel for the Plaintiffs in error praying the Court that counsel may have leave to argue this cause further before a decision of the same - It is ordered by the Court that leave as prayed for be granted --
119	Robert Oliver and others vs William Clark use &c	The motion made in this cause by Mr Hoffman of counsel for the Appellees on the 2d day of the present term of this court and by the latter day of the same term of this court for the want of jurisdiction, was now argued by Mr Hoffman in support of said motion, by Mr Jones Wirt and Key against said motion and in support of the Jurisdiction of the Court in the reply by Mr Hoffman against the jurisdiction of the court -
33	The United States vs Fernando Arredondo	The argument of this cause was continued by Mr Key for the Appellants. -

Proclamation being made the Court is adjourned until Monday morning at eleven o'clock. -

Monday March 5 1832.

Pursuant to adjournment the Court met this morning at the Capitol

Present

The Honorable John Marshall Chief Justice
Gabriel Duvall
Joseph Story
The Honorable Smith Thompson Associate Justices
John McLean
Henry Baldwin
Henry Ashton Esquire Marshal
William Thomas Carroll Clerk

Commission being made the Court is opened—

On motion ordered, made to the Court in this behalf by Mr Clark. It is ordered that Garret D. Wall Esquire of the State of New Jersey and W.F. Butler Esquire of the State of New York be admitted to practise as Attorneys and Counsellors of this Court and they were severally sworn accordingly.—

On Motion just made to the Court in this behalf by Mr Benson. It is ordered that John Sullivan and Samuel A. Wells Esquires of the State of New York be admitted to practise as Attorneys and Counsellors of this Court and they were severally sworn accordingly.—

Monday March 5 1832. Continued.

The State of New Jersey — Mr Thompson of Counsel
vs for the defendant
The State of New York moved the Court
to set down the argument of the demurrer in this cause on Monday next which was opposed by Mr Wirt on the part of the Complainants On consideration whereof, It is ordered by the Court that the demurrer in this cause be set down for argument on Monday next the 12th instant, with the understanding however of Counsel that the demurrer will certainly be argued during the present term. —

17 William Prescott (Adm.) — On motion of Mr Webster
vs Appts. of Counsel for the Appellants
James Gillespie (Adm.) — suggesting to the Court that it was now convenient to the parties in this cause that the mandate in this cause should be forthwith issued — It is ordered by the Court that the Clerk of this Court do forthwith issue the Mandate in this cause as prayed for. —

33 The United States Appellt — The argument of this cause
vs was continued by Mr Webster
Fernando Arredondo Claimt — for the Appellees. —

Proclamation being made the Court is adjourned until tomorrow morning at eleven O'clock —

Tuesday March 6 1832

Pursuant to adjournment the Court met this morning at the Capitol -

Present

The Honorable John Marshall Chief Justice
Gabriel Duvall
Joseph Story
The Honble Smith Thompson Associate Justices
John McLean
Henry Baldwin
Henry Ashton Esquire Marshal
William Thomas Carroll Clerk

Proclamation being made the Court is opened

The United States Appt
vs
Fernando Arredondo (et al) Appellees

The argument of this cause was continued by Mr Berrien for the Appellees -

Proclamation being made the Court is adjourned until tomorrow morning at eleven o'clock

Wednesday . March 7 1832.

Pursuant to adjournment the Court met this morning at the Capitol.

Present

The Honorable John Marshall Chief Justice
Gabriel Duvall
Joseph Story
The Hon. William Thompson Associate
John McLean Justices
Henry Baldwin
Henry Ashton Wayne District Judge
William Thomas Carroll Clerk

Proclamation being made the Court is opened.

Robert Oliver, The President, Directors and Company of the Bank of the United States and the President and Directors of the Union Bank of Maryland

Appellants —

117. vs

James Alexander, George Arnold, Thomas Baker, John Bigford, William Burke, Joseph Bonnaffon, Brady, Lyman Burke, Stephen Cassin, Daniel Cooper, Daniel Cooper, William Clark, the Columbian Insurance Company, David Click, James Jones, James Jones, Thomas Evans, Thomas French, Jacob Francis, Michael Fox, Lewis Ferran, Stephen Girard, John Jones, Charles Harper, Thomas Hulchfield, William Haines, William Hargus, a Negro, Paulina Jones, John Johnson, Samuel

Wednesday March 7 1832 Continued.

Rowan, William Tinlan, Peter Lee, John Mitchell, John M'Tuter, Henry Ray, Isaac Mickey, Jacob Bush, Lyle Hoff, Jacob Norman, John Reynolds the first, John Reynolds the second, Thomas Rowlands, Peter Roe, John B. Smith, James Sheppard, William Mahon, Jeremiah Sager, John Wade, Henry Young, G. W. Linnell, Linton Linnell, George Hubley, William Nelson, George Bond, John Healy, Hugh Young, James Pritchard, Peter Holtz, Richard Tonkin, Israel P. Yates, George Bay, Elias Nathrop, Edmund A. Pryse, John Keech, Nathaniel Owings, James Ambrose, John Jackson, John Phillips, John Coffin Murray Gibson, Peter Valentine, John Simson George Kelly, John Vaughan, Nicholas Romain, E. C. Wyckoff and William Runyon — Appellees.

Appeal from the Circuit Court of the United States for the District of Maryland —

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of Maryland and was argued by Counsel, On consideration whereof It is the opinion of this Court that for the want of jurisdiction the present appeal must be dismissed as one of the sources in the Circuit Court involving a matter in dispute sufficient in value to justify the exercise of the appellate authority of this court — Whereupon it is ordered and adjudged by this Court that this appeal be and the same is hereby dismissed for want of jurisdiction as aforesaid. — "Mr. Justice Story"

Wednesday March 7 1832 Continued -

	The United States Appellants	The argument of this
35	vs	cause was continued
	Fernando Arredondo et al	by Mr Wirt for the
		Appellants. -

Ordered that this Court is
adjourned until tomorrow morning at eleven
o'clock. -

Thursday March 8 1832.

pursuant to adjournment the Court met this morning at the Capitol.

Present

The Honorable John Marshall Chief Justice
Gabriel Duvall
Joseph Story
The Hon'ble Smith Thompson Associate Justices
John McLean
Henry Baldwin
Henry Wheaton Esquire Marshal
Wm Thomas Carroll Clerk

A Quorum being made the Court is opened.

The United States Appellants } The argument of this cause
vs } was concluded by Mr Wirt
Fernando Brandon et al } for the Appellant.

John Talbot et al } Mr Webster for the
vs } Appellees opposing & the
The United States } Court that it was very
agreeable to the Government

That the cause depend at the present term might be set down for argument tomorrow which Mr Berrien of Counsel for the Appellants as stated representing that it was equally desirable to the Gentlemen in consideration of this Court not being more fully advised of and

concerning what Judgment to give in the premises doth hereby order that the same be held under advisement.

85 Ohio of Injur — Joseph Berlow. Plaintiff
vs
The United States —

On consideration of the motion made in this cause on the fifth day of the present term of this Court, made on Saturday the 18th ultimo by Mr. Attorney General of counsel for the appellee. It is now ordered by the Court that said motion be and the same is hereby overruled. —

118 Bernardus Sampergee Vol. Appt
vs
The United States

On consideration of the motion made in this cause on the fifth day of the present term of this Court made on Saturday the 18th ultimo by Mr. Attorney General of counsel for the appellee. It is now ordered by the Court that said motion be and the same is hereby overruled.

118. Chesapeake and Ohio Canal Company Appellants
vs
Union Bank of Georgetown

On consideration of the motion made in this cause on the fifth day of the present term of this Court made on Saturday

If counsel for the plaintiff in error do not appear at the next term of this Court the motion to dismiss this writ of error will be granted of course

Thursday . March 8th 1832 Continued.

Chesapeake and Ohio Canal Company Plff in Er
116 vs
Chas Mason — Def in Er

On consideration of the motion made in this cause on a prior day of the present term of this Court, namely on Saturday the 11th instant by Mr Key of counsel for the Plaintiff in Error. It is now here ordered by the Court that said motion be and the same is hereby overruled. —

Chesapeake and Ohio Canal Company Plff in Er
117 vs
Thomas Gaither's Executors Def in Er

On consideration of the motion made in this cause on a prior day of the present term of this Court, namely on Saturday the 11th instant by Mr Key of counsel for the Plaintiff in Error. It is now here ordered by the Court that said motion be and the same is hereby overruled. —

Lewis L'Hommedieu Plff in Er
43. vs
Chas B. C. Lucas — Def in Er

The argument of this cause was commenced by Mr Benton for the Plaintiff in Error. —

And on motion leave is granted the Court is adjourned until tomorrow morning at eleven o'clock. —

Friday March 9th 1832.

Pursuant to adjournment the Court met this morning at the Capitol —

Present

The Honble The Marshall Chief Justice
Gabriel Duvall
Joseph Story

The Honble Smith Thompson — Associate
John McLean & Justices.
Henry Baldwin

Henry Ashton Esquire Marshal
William Thomas Carroll Clerk

Proclamation being made the Court is opened.

Colin Mitchell &al
vs. Appeals
The United States — Yesterday by Mr Wirt of Counsel for the Appellee

It is now here ordered by the Court that the said motion be and the same is hereby overruled and that this cause be and the same is hereby continued to the next Term of this Court. —

Daniel T. Stuart — The argument of this cause was con-
43. vs. Appeals — tinued by Mr Taylor on behalf of
John B. C. Lucas — appellant and Mr Wirt for the Appellee in error.

Proclamation being made the Court is adjourned

Saturday March 10 1832.

Pursuant to adjournment the Court met this morning at the Capitol

Present

The Honorable John Marshall Chief Justice
Gabriel Duvall
Joseph Story
The Honble Smith Thompson Associate Justices
Robt McLean &
Henry Baldwin
Henry Dilton Wayne Marshal
William Thomas Carroll Clerk

Proclamation being made the Court is opened

Reuben M Withers appellt
vs
Robt M Withers

On motion of Mr Coxe of Counsel for the Complainant and Appellee in this cause and a certificate of the Clerk

128

of the Circuit Court of the United States for the District of Columbia holden in and for the County of Alexandria stating that at a court continued and held for the District and County aforesaid the 26th day of November 1829 Robt Withers by the decree of the said Court recovered against Reuben Withers the sum of $3308 98 with interest thereon at the rate of six per cent per annum on $2241.37 part thereof from the first day of November 1826 till paid together with his costs of suit And further certified that

the said Pleadings & Proceedings & obtained a transcript of the record in the said cause and filed it here in the office appertaining to this Court, and that a citation issued signed by the Hon. Wm. Cranch, Chief Justice of the said Court citing the said [illegible] to be and appear at the time & place in the said Citation mentioned before the Supreme Court of the United States to be holden at the City of Washington, & shew cause why the decree aforesaid should not be reversed & amended having been filed, and the said Appellant having failed to have a transcript of the record in said cause filed in the Clerk of this Court and the cause docketed agreeably to the rules of this Court. It is hereby ordered and adjudged that this cause be docketed and that the said Appeal be and the same is hereby dismissed. - "Test - W. Cranch - Marshall"

Celia Mitchell & al. Appellants
vs
The United States.

Mr Dodd of counsel for the Appellees moved the Court to set aside the order for dismissal the 26th of February last & for leave to file the affidavit of Celia Mitchell & others appellants in this cause. Mr White of counsel for the Appellants opposed, whereupon the Court not being sufficiently advised of and concerning the premises to give judgment on the said motion doth hereby order that the same be held under advisement

Saturday. March 10th 1832. Continued.

Daniel L. Strother vs Chas B. C. Lucas.	The argument of this cause was continued by M. Hunt for the defendant in Error and concluded by M. Burdett for the Plaintiff in Error

Proclamation being made the Court is adjourned until monday morning at eleven oclock

Monday March 12 1832.

Pursuant to adjournment the Court met this morning at the Capitol.

Present

The Honorable John Marshall Chief Justice
Gabriel Duvall
The Hon'ble Smith Thompson - Associate Justices
John McLean
Henry Baldwin
Henry Ashton Esquire Marshal
William Thomas Carroll Clerk.

Proclamation being made the Court is opened.

Joseph Barclay, Florence Coller and John M Snowden - Plffs in Er
vs
Richard Smith, Sheriff of Richard W. Comegys

In Error to the Circuit Court of the United States for the Eastern District of Pennsylvania

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the Eastern District of Pennsylvania and was argued by counsel, On consideration whereof, It is ordered and adjudged by this court that the Judgment of the said Circuit Court in this cause be and the same is hereby reversed and that this cause be and the same is hereby remanded to the said Circuit Court for further proceedings to be

Monday March 12 1832 Continued

Abm D Thomas Exrs	On motion of Mr Ingersoll	
53	vs Plff in Er.	of counsel for the Plaintiffs
The United States	in Error and by consent of	
Mr Attorney General in behalf of the Defendant in Error. It is now here ordered by the Court that this cause be continued to the next term of this court. —		

Lewis McLanahan Exrs	The argument of this cause	
66.	vs Appts	was commenced by Mr
Freeman Smallwood & al	Benton for the Appellants,	
continued by Messrs Berrien		
and Bibb for the Appellees and concluded by		
Mr Pendleton for the Appellants. —		

Reuben Withers Appellt	Mr Veale of counsel for	
128.	vs	the Appellant in this cause
The Mayor &c of Baltimore	having suggested that	
the Appellant had filed		
with the Clerk of this court a transcript of the record		
of this appeal and given bond as prescribed by the		
37th rule of this court now here moved the Court to		
set aside the order made in this cause on a prior day		
of the present term of this court, viz on Saturday the		
tenth instant, docketing and dismissing this appeal		
and to reinstate the same — Whereupon this Court		
not being now here sufficiently advised of and con-		
cerning what Judgment to give in the premises doth		
order that the same be held under advisement. —		

Tuesday March 13 1832.

Pursuant to adjournment the Court met this morning at the Capitol.

Present

The Honorable John Marshall Chief Justice
Gabriel Duvall
Joseph Story Associate
The Hon'ble Thos. M'Kean Justices
Henry Baldwin

Henry Ashton Esquire Marshal
William Thomas Carroll Clerk

Proclamation being made the Court is observed.

Ann Henrietta M'Donald, James M'Donald, Donald, Effie M'Donald and William M'Donald, heirs at law of James M'Donald, deceased, infants under twenty one years of age, by Eliza M'Donald their mother and next friend. Appellants.

60. vs

James Galloway Jr. Thomas Austin, William M'Daniel, James Harris, James Christie, James D. Finney, William Morrow, Ephraim Kelly, The Rev. George S. Harris, William Pyle, Richard East, William Hadley, John S. Thomas, Jacob Longstreth, Isaac Wilson Sen., George Young, Aaron Christie, The Hon. Joseph Hopkinson, Samuel Briggs, James S. Baker, John Gallaher, Jane Burton, James Abbot, Shadrick Hills, John Morrow, John Hadley Sen.

Jonathan Tribly, William Ruble, Thomas Constant, and Jacob Miller - Appellees

- Appeal from the Circuit Court of the United States for the District of Ohio

This cause came on to be heard on the transcript of the Record from the Circuit Court of the United States for the District of Ohio and was argued by Counsel; On consideration whereof, It is ordered and decreed by this court that the decree of the said Circuit Court in this cause be and the same is hereby affirmed with costs. - Jn° M° Kean Chas. Marshall

Reuben Withers Appt
vs
John Withers ...

128.

On consideration of the motion made in this cause yesterday by Mr Neale of Counsel for the appellant,

It is now here considered and ordered by this court that the Order made in this cause docketing and dismissing this appeal on Saturday last the 10th instant be and the same is hereby set aside rescinded and annulled.

John Doe ex dem. Edward M°Clelle ... Plff in Error
vs
by
The President Recorder and Trustees of the City of Cincinnati

In Error to the Circuit Court of the United States for the District of Ohio

On motion of Mr Webster of counsel for the Defendants in Error and by consent of Mr Ewing of counsel for the Plaintiff in Error

Tuesday March 13 1832 Continued.

It is now here ordered and adjudged by the court that the writ of error to the Circuit Court of the United States for the District of Ohio be and the same is hereby dismissed with costs.

Jos. McLean Assc. Justice

Rule No 38.

It is ordered by the Court, that hereafter the Judges of the Circuit and District Courts do not allow any bill of exceptions which shall contain the charge of the Court at large to the Jury in the trials at common law, upon any general exception to the whole of such charge. But that the party excepting be required to state distinctly the several matters of law in such charge to which he excepts, and that such matters of law and those only be inserted in the bill of exceptions and allowed by the court

The State of New Jersey
vs
The Steamboat
The State of New York

The argument of the demurrer in this cause was commenced by Mr Brown in support of the demurrer.

Proclamation being made the Court is adjourned until to morrow morning at eleven o'clock —

Wednesday March 14 1832.

Pursuant to adjournment the Court met this morning at the Capitol

Present

The Honorable John Marshall Chief Justice
Gabriel Duvall
Joseph Story
The Honorable Smith Thompson Associate Justices
John McLean
Henry Baldwin
Henry Ashton Esquire Marshal
William Thos Carroll Clerk

Proclamation being made the Court is opened

The Parties

John A Davenport - In the matter of the United States vs John A Davenport" on motion for a mandamus to the Judge of the District Court of the United States for the Southern District of New York -

Mr J. A. Hall of counsel for the defendant in the above named suit in pursuance of a written notice given to the District Attorney of the United States of counsel for the Plaintiff in said named case and now filed in the court with the former Clerk moves the court for a writ of mandamus to be directed to the Judge of the District Court of the United States for the Southern District of New York" commanding

them to restore to the record of the cause in said named case the plea of tender filed in the said cause by the defendant and to proceed to trial and judge thereupon according to law and to vacate all rules or orders entered in the said court setting aside such plea as a nullity" and opposed by Mr. Attorney General in behalf of the United States and submitted by the counsel on both sides on the papers filed in the cause. Whereupon the court not being now here sufficiently advised of and concerning the judgment and order to be rendered upon said motion doth order and adjudge that the consideration of said motion be and the same is hereby post-poned.

The State of New Jersey
vs Complt.
The people of the State
of New York —

In Chancery

It is ordered by the Court that the argument of this cause be suspended and that the cause be continued to the next term of this court.

The State of New Jersey
vs
The people of the State
of New York —

In Chancery

On motion of Mr Thomson of counsel for the defendants and by consent of Mr Southard of counsel

Wednesday March 14 1832. Continued.

for the Complainants. It is ordered by the court that this cause be set down for argument on the first monday in February Anno Domini Eighteen hundred and thirty three.

Williams Veitch & Co
vs
The Farmers Bank of Alexandria

131. Appl[ts]

On motion of Mr Simms of counsel for the Complainants and Appellees in this cause and a certificate of the Clerk of the Circuit Court of the United States for the District of Columbia holden in and for the County of Alexandria, stating "that at a court continued and held for the said District and County the 24th day of November 1830, the defendants prayed an appeal from the decree of the court pronounced in this cause, to the next Supreme Court of the United States, which was granted; upon giving bond and security in the sum of two hundred dollars to be approved by one of the Judges of said Court - and further certifying that the said bond and security had not been given nor had a transcript of the record been ordered & having been filed, and the said Appellants having failed to lodge a transcript of the record in said cause with the clerk of this court agreeably to the rules of this court - It is now here ordered and adjudged that this cause be docketed and that the said Appeal be and the same is hereby dismissed. -

Wednesday March 14. 1832. Continued.

	Laurent Rose Defendt in Error	The argument of this
51.	vs	cause was continued
	Charles McClung Plaintiff in Error	by Mr Bell for the Plaintiff in Error and

concluded by Mr White for the defendant in Error —

	Pierre Gaspie Defendt in Error	The argument of this
62.	vs	cause was commenced
	Jean Gaspie Ballon	by Mr Pauny for the Plaintiff in Error, con-

tinued by Mr Key for the defendant in Error and concluded by Mr Pauny for the Plaintiff in Error.

	William Tyrrells Heirs	On motion of Mr Coyle
54.	vs Plffs in Er.	of counsel for the plain-
	Andrew Rountree & al	tiffs in Error and by consent

of Mr Bell of counsel for the defendants in Error - It is ordered by the Court that this cause be continued to the next term of this Court. -

	Richard M. Scoble Plffs in Er.	On motion of Mr Summer-
75.	vs	of counsel for the plain-
	Ezra Dunlis admr	tiff in Error. It is

ordered by the Court that this cause be continued to the next term of this Court. —

Wednesday March 14 1832. Continued.

66. Abraham A. Mayo (U.S.) Appt. vs. Thomas Backhouse

On motion of Mr. Attorney General of counsel for the Appellant, no counsel appearing for the Appellee. It is ordered that this cause be submitted to the consideration of the Court on the record and brief of Appellant. —

Proclamation being made the Court is adjourned until tomorrow morning at eleven o'clock

Thursday - March 15 1832.

Pursuant to adjournment the Court met this morning at the Capitol

Present

The Honorable John Marshall Chief Justice
Gabriel Duvall
The Hon'ble Joseph Story Associate Justices
Smith Thompson
John McLean

Henry Ashton Esquire Marshal
William Thomas Carroll Clerk

Proclamation being made the court is opened.

Ex parte: John J. Davenport.

In the matter of The United States vs. John J. Davenport. On motion for a mandamus to the Judge of the District Court of the United States for the Southern District of New York

On consideration of the motion made in this case on a previous day of the present term of this court, viz. on Tuesday the 6th instant by Mr. Wirt of counsel for the defendant in said case for a mandamus to be directed to the Judge of the District Court of the United States for the Southern District of New York commanding him to restore to the record of the cause entered, named case the plea of Autrefois Acquit in the said cause by the defendant and to proceed to trial and

judge Thompson according to law and to make all rules or orders entered in the said court setting aside such Plea as a nullity and of the exhibits filed in the case as well by the said Counsel of the defendant as by Mr. Attorney General in behalf of the United States - It is now here ordered and adjudged by this court that the said motion be and the same is hereby refused and that the said motion be and the same is hereby overruled. - "Jos. Mc. Chs. Story"

Abraham A. Maspons (Pet.) — Appeal from the Court
66 vs. Appt. of Appeals for the
Thomas Bucklouse — Territory of Florida. -

This cause came on to be heard on the transcript of the record from the Court of Appeals for the Territory of Florida and argued by Counsel, On consideration whereof. It appearing to this court that the sum or matters in controversy do not exceed Two thousand dollars. It is ordered and adjudged by this Court that this appeal be and the same is hereby dismissed for the want of jurisdiction. - "Jos. Mc. Ch. Chs. Marshall"

On motion first made to the Court in this behalf by Mr. Webster. It is ordered that Rufus Choate Esquire of the State of Massachusetts and Samuel Evans Esquire of the State of Pennsylvania be admitted to practice as Attorneys and Counsellors of this Court and they were

Thursday - March 15- 1832. Continued.--

62. Pierre Gassie - Plff in Er. vs Jean Gassie Ballon — In Error to the District Court of the United States for the District of East Louisiana.

This cause came on to be heard on the transcript of the record from the District Court of the United States for the District of East Louisiana and was argued by counsel; On consideration whereof. It is adjudged and decreed that the Judgment of the said District Court in this cause be and the same is hereby affirmed with costs and damages at the rate of Six per centum per annum --

"Jo. M. Chiles - Mars[hall]"

49. Daniel F. Slaughter - Plff in Er. vs John B. Evans — In Error to the District Court of the United States for the District of Missouri

This cause came on to be heard on the transcript of the record from the District Court of the United States for the District of Missouri and was argued by counsel, On consideration whereof. It is adjudged and ordered that the Judgment of the said District Court in this cause be and the same is hereby affirmed with costs -- "Jo. M. Chiles Thompson"

Thursday March 15 1832 Continued

63	Colin Mitchell &c vs Joseph Hopkins & The United States	On consideration of the motion made in this cause by Mr Call on Saturday the 10th instant It is ordered by the Court that said motion be and the same is hereby overruled But the Court will not call up the case for argument before the 10th day of February next "Jno. Marshall"
71	The United States Plff vs George Wilson	On motion of Mr Attorney General of counsel for the Plaintiff. It is ordered that this cause be continued to the next Term of this Court.

Proclamation being made the Court is adjourned until to morrow morning at eleven o'clock.

Friday March 16th 1832.

Pursuant to adjournment the Court met this morning at the Capitol.

Present

The Honorable John Marshall Chief Justice
Gabriel Duvall
The Hon'ble John M'Lean Associate Justices
Henry Baldwin

Henry Ashton Esquire Marshal
William Thomas Carroll Clerk

Proclamation being made the Court is opened.

John Dew Lessee of
Daniel Rose Pltff in Er.
"
Charles M'Clung

vs

Error to the Circuit Court of the United States for the District of East Tennessee

51.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of East Tennessee and was argued by Counsel, On consideration whereof. It is adjudged and ordered that the Judgment of the said Circuit Court in this cause be and the same is hereby affirmed with costs. —

Jno. Mc. Ch. Jus. Marshall

Friday March 16 1832. Continued.

The State of Rhode Island & Providence Plantations Compl^t
vs
The State of Massachusetts.

Bill in Chancery to settle boundaries. In the Supreme Court of the United States of January Term 1832.

Mr Robbins Solicitor for the Complainant having this day filed in open court this Bill in Chancery now here in behalf of the Complainant moved the court to award a subpoena in this case commanding the defendant to be and appear before this Court on the first day of the next Term of this court to answer the bill of the Complainant On consideration whereof this Court not being now here sufficiently advised of and concerning what Judgment to give in the premises doth hereby order that the same be held under advisement to the next Term of this Court. –

The United States Appl^t
vs
Fernando Arredondo Def^t

Mr Wirt of counsel for the Appellant moved the Court for leave to re argue this cause which was opposed by Mr White of counsel for the Appellees. Whereupon this Court not being now here sufficiently advised of and concerning what Judgment to give in the premises doth order that the same be held under advisement. –

Friday March 16 1832. Continued

Ex parte: Martha Broadstreet.

In the matter of Martha Broadstreet Demandant
vs Apollos Cooper Tenant -

Mr Jones of counsel for the
demandant in the above named cause moved
the Court for a rule to be granted to be served
on the District Judge of the District Court
of the United States for the Northern District
of New York commanding him to be and
appear before this Court either in person or
by an attorney of this Court on the first day of
the next January Term of this Court, to wit, on
the second Monday of January Anno Domini
1833 to shew cause if any he have why a mun-
damus should not be awarded to the said District
Judge of the Northern District of New York com-
manding him. —

1st To reinstate and proceed to try and adjudge
according to the law and right of the case,
the several writs of right and the mises therein
joined, lately pending in said Court, and
said to have been discontinued by order of said
Court, between Martha Broadstreet demandant
and the following tenants severally and
respectively, to wit, - Apollos Cooper, Abraham
Varick, Nathan Williams, Marcus Hitchcock,
William Tillman, Rachel Seamans, Alexander
C. Johnson, John Broadrick, Daniel Thomas, Abraham
Culver, Henry Huntington, John C. Devereux

Friday March 16th 1832 Continued

James I Rip Joseph Kirkland Charles C Broadhead Anson Thomas David P Hoyt Peter Smith Samuel C Hosking Montgomery Hunt Thomas Walker Jack Williams Ephraim Hart Joseph Burton Moses Bagg William Williams William F Potter The President Directors and Company of the Bank of Utica John Williams Thomas E Clark Amos Guy Alexander Coventry Charles P Kirkland Briggs W Thomas Henry Seymour Robert Sherman Robert B Miller Asa Bruce Esq Samuel Shew Miller Shew McElwaine William Evans Silas A Childs Roland Merrell Nicholas Devereux John E Devereux Thomas Colling August White Samuel C Aiken Elijah Thomas James Sage Eli F Bryan Charles C Kemp Jesse Thomas William Taylor John Williams James C Delong Robert Disney Augustus Hurlbut Abraham Varick Moses Bagg William F Potter Michael Combe George Brayton Amos Guy Nelson Parker Silas A Childs & Theodore S Taylor the Trustees of the First Presbyterian Society Isaac Coggeswell John F Weaver Elizabeth Brinckerhoff Asa A Parker Comfort Butler Greene C Bronson Thomas Lee Apollos Cooper Joseph Kirkland Charles C Broadhead Abraham Cullen Alexander Robinson Thomas Walker John Williams Montgomery Hunt Jane Delvin Elizabeth Delvin Frances Delvin Margaret Delvin Mary Jane Lewis & Theodore Pomeroy The President Directors and Company of the Bank of Utica Ephraim

Friday March 16 1832 Continued.

Hart, Peter Smith Randolph Snyder Walter King, Jesse & Lesliet Gardner Burchard, Samuel Beardsley, Richard M. Lansing, The President Directors and Company of the Ontario Bank, John Bellinger, Isaac Parker, George Macomber, William Clarke, James Lane, Thomas Herring, Theodore S. Faxton, Miller & Parker, Edmund Vernon, John Adams, William Francis, John Osborn, The Union Insurance Company James Lane Isaac N. Mecham, Samuel H. Huntington, Theodore Pomeroy, Thomas Christian, Walter King, Jonathan & James Crew & Clark, Jesse Wright, John Delaney, Thomas H. Nurse, Henry W. Osborne, John Kendrick, Samuel Hocking, Rachel Seymour, William Williams, Ralph Burton, James Van Rensselaer, & Walter King & James Van Rensselaer, Robert Oliver, Edmund Wright & Isaac Parker Silas & Chiles, Theodore S. Faxton and Abraham Shepard, William H. Maynard, Kellogg Hurlburt, Maria Miller & James Delaney William Delaney, Robert Bailey, Moses Bailey, John Bailey, James Bailey, Williams Bailey Thomas Bailey, James Delaney, Elizabeth Delaney Frances Delaney, Margaret Delaney, Mary Jane Lewis, and Elizabeth Wylie, & Rachel W. Chiles, Sarah Ann Chiles, Susan W. Chiles, Frances Chiles & Mary W. Chiles & Sophia Clark, Erastus Clark & Elizabeth Clarke, Abraham Wanick, Nathan

Friday - March 16 - 1832. Continued. -

Williams, Anson Thomas, Daniel Thomas, the Trustees of the Town of Presbyterian Society in Utica, the first Universal Society in Utica, Charles E. Dudley, Horace Butler, James L. Kip. -

2d Requiring said Court to admit such amendments in the form of pleading, or such evidence as may be necessary to amend or to ascertain the jurisdiction of said Court in the several suits aforesaid. -

3d Or if sufficient cause should be shown by the said Judge on the return of this rule or should otherwise appear in this Court against a writ of Mandamus requiring the matters and things aforesaid to be done by the said Judge, then to show cause why a writ of Mandamus should not issue from this Court requiring the said Judge to direct and cause full records of the Judgments or orders of dismission in the several suits aforesaid, and of the proceedings of the same to be duly made up and filed, so as to enable this Court to re examine and decide the grounds and merits of such Judgments or errors upon writs of error; such records showing upon the face of each what Judgments or final orders respecting or otherwise disposing of said suits, were rendered by the said District Court, at whose instance upon what grounds, and what exceptions or objections were reserved or taken by said Demandant, or on her behalf, to the Judgments or decisions of the said District Court in the premises, or to the motions whereon

Friday - March 16 1832. Continued

such judgments or decisions were founded; and what motion or motions application or applications were made to said Court by the Demandant or on her behalf, and either granted or overruled by said District Court, both before and after said Judgments or decisions dismissing or otherwise finally disposing of said suits especially what motions or applications were made by said Demandant or on her behalf to said District Court to be admitted to amend her counts in the said suits, or to produce evidence to establish the value of the Lands &c demanded in such counts, together with all the papers filed and proceedings had in said suits respectively - On Consideration whereof It is now here considered and ordered by this Court that the rule prayed for be and the same is hereby granted returnable to the first day of the next January Term of this Court Court to the second Monday of January in the year of our Lord One thousand eight hundred and thirty three. — Wm. Thos. Marshall

The United States Appellt — Mr. Merritt of Counsel

55. vs — for the Appellant

Fernando Prieto &c Vel — moved the Court

for leave to

re argue this cause which was opposed by Mr White of Counsel for the Appellees - Whereupon this Court not being now sufficiently

Friday . March 16 1832 Continued . –

cently advised of and concerning what Judgment to give in the Premises doth order that the same be held under advisement . —

Proclamation being made the Court is adjourned until tomorrow morning at eleven oclock . –

Saturday - March 17 1832.

Pursuant to adjournment the Court met this morning at the Capitol -

Present

The Honorable John Marshall Chief Justice
Gabriel Duvall
The Hons: John M'Lean & Associate Justices
Henry Baldwin

Henry Stelle Esquire Marshal
Wm Thomas Carroll Clerk

Proclamation being made the Court is opened -

On motion first made to the Court in this behalf by Mr Webster - It is ordered that Franklin E. Plummer Esquire of the State of Mississippi be admitted to practice as an Attorney and Counsellor of this Court and he was sworn accordingly -

The United States Appt. On consideration of
35. " the motion made in
Fernando Rodondo Del this cause yesterday by Mr Webster counsel

for the Appellant for a re-argument - It was now here considered and ordered by the Court that said motion be and the same is hereby overruled -

The United States Appt.

55. vs

Fernando de la Maza Arredondo, Peter Mitchell, Mary C. Young, Super Grand, William Horn, Alexander M. Mure and York Harris, the three last named persons for themselves, and in trust for the Florida Association of New York" Nathaniel Wells, Elisha Huntington Chabod Hall, Nehemiah Brush, Gene Marquand and Jeremiah Thurston. Appellees

Appeal from the Superior Court for the Eastern District of Florida

This cause came on to be heard on the transcript of the record from the Superior Court for the Eastern District of Florida and was argued by counsel; on consideration whereof, this court is of opinion that there is no error in so much of the said decree as determines that the claim is valid and ought to be confirmed, and this court doth affirm so much thereof and doth decree that the title of the claimants is valid according to the Stipulations of the treaty between the United States and Spain dated the 22d. day of February Anno Domini Eighteen hundred and nineteen the laws of the United States in relation thereto the laws of Nations and of Spain- And this court proceeding to render such decree as the said Superior Court ought to have done, doth finally ever determine and decree that so much of said decree as directs the land embraced in the grant of Don Alexandro

Saturday - March 17 1832 Continued.

Ramirez the Intendant of Cuba, &c on
Fernando de la Maza - Arredondo & Hijo and
the twenty second day of December - One Thousand
Eighteen Hundred and Seventeen to be laid off
in a square Tract containing two Hundred
and eighty nine Thousand Six Hundred and
Forty five and five Seventh acres of English
measurement, the centre thereof being the known
spot monument or marked tree at or near
the House at present the dwelling of Edward
M. Dranton, said spot monument or marked
tree to be ascertained by the Surveyor who
under the law shall survey the said Tract
be and the same is hereby reversed and annulled
And this Court do further and finally ordain,
adjudge and decree that the said land be
laid off in a square form containing Two
Hundred and eighty nine Thousand Six
Hundred and Forty five and five Seventh
acres English measure, the centre whereof
to be a Place known as Alachua in the Creek
or other tongue by a tribe of Seminole Indians
And the centre of said Place known as
Alachua to be considered as the centre of
the grant -

"Wm. P. Duval Presidt"

"Wm. Pope Thompson, Register"

Saturday - March 17 1832 Continued.

The United States - Appl. - Mr Berrien of Counsel
vs for the Appellees moved
Fernando Arredondo et al. the court to give costs
in this case on the affirmance of the decree, which was opposed by Mr Wirt of counsel for the Appellant. On consideration whereof it is now here ordered by the court that said motion be and the same is hereby overruled. —

Proclamation being made the court is adjourned to the time and place appointed by law. —

August Term 1832.

At a Session of the Supreme Court of the United States begun and held at the Capitol of the United States in the City of Washington being the seat of the National Government of the United States, on the first Monday of August, being the sixth day of the same month, in the year of our Lord One thousand eight hundred and thirty two, and of the Independence of the United States the fifty seventh, agreeably to the Statute in such case made and provided the Hon'ble one of the Associate Justices of the said Supreme Court of the United States and assistant of the Fourth Circuit in the State of Maryland was present, and the Clerk of said Supreme Court attending. It is ordered by the said Judge that the following entries be made in the following actions, to wit,

Benton — 1827 Dec. 15 — Antonio Soulard's heirs — 1788 — Missouri — 1832 Aug. Ordered to be continued

1 — do

Wirt & Key for Pl'ff — The United States

Jones — 1831 Feb. 4 — John McKinney — Heirs of Jeffreys — Reinstated by Chief Justice — 1832 Aug. Ordered to be continued

2 — do

Nicholas & Nicholas — John Carroll

Benton — 1832 Jan. 8 — John Smith P. — 1788 — Missouri — 1832 Aug. Ordered to be continued

3 — do

August Term 1832.

Bill
3 Upton Thrasher — Appl. Kentucky C. C. U. S.
1832 May Decree & be continued
4

James Hunt et al

Bill
13 James Benney — Appl. Washington C. C. U. S.
1832 May Decree to be continued
5.

The Chesapeake & Ohio Canal
Jones West — Company

Bill
Injunction
James West & Hiram Nixon — Appl. Kentucky C. C. U. S.
1832 May Decree to be continued
6

Bill
Upton Thrasher —

2 James A. O'Brien — Appl. & &c. Pennsylvania C. C. U. S.
1832 Jan Decree to be continued
7

James H Lewis

Bill
Thomas Hammond & others — Appl. Pennsylvania C. C. U. S.
1832 May Decree to be continued
8.

The Heirs of George Washington

Bill
11 John McKee Executor of
Joseph Watson — Appl. & &c. Alexandria C. C. U. S.
1832 Jan Death of McKee Exr. —
May Decree to be continued
9

Bill
The Heirs Thomas Kirkbride

August Term 1832.

12 Joshua Scholefield & John Taylor - Maryland C.C. U.S.
Demurrer filed of Defendants
Appellees
1832 Mary. Cause to be continued

13 The Proprietors of Charles River Bridge - Massachusetts Sup. Jud. Ct.
1832 May. Cause to be continued

The Proprietors of Warren Bridge vs.

Dec. 7. Charles A. Dalrymple - Appellee - Missouri S.C. U.S.
1832 May. Cause to be continued

12 The United States

Dec. 7. Auguste Chouteau Heirs - Missouri S.C. U.S.
Appellees
1832 May. Cause to be continued

13. The United States

Dec. 7. Auguste Chouteau Heirs - Missouri S.C. U.S.
Appellees
1832 May. Cause to be continued.

14 The United States

Dec. 7. James Mackay Heirs & Heirs - Missouri S.C. U.S.
Appellees
1832 May. Cause to be continued.

August Term 1832.

August Term 1832.

Feb 10 William King - Appl[t] W. Virginia C.C. U.S.
1832 Aug. Decree to be continued
22. "
Feb 10 James White
Feb 10 Abraham Shane &c - Appl[ts] Ohio C.C. U.S.
1832 Aug. Decree to be continued
23 "
James C. Smith
The United States - Deft Pennsylvania C.C. U.S.
1832 Aug. Decree to be continued
24. "
George Wilson
Feb 20 85 Kegs of Sugar New York C.C. U.S.
Joseph Barlow Claim[t] - Appt 1832 Aug. Decree to be continued
25. "
The United States
Feb 28 James W. Breedlove &c - E. Pennsylvania C.C. U.S.
Pl[ff]
1832 Aug. Decree to be continued
26. "
Theodore Riedel & al. Libt
Richard M. Scott Deft in Er. - Pennsylvania C.C. U.S.
1832 Aug. Decree to be continued
27. "
Eyre Smith &c

August Term 1832.

51

Regester — vs — Bank of Edmund Livingston &c — Pennsylvania — U. S.

1832 Aug. Mandate to be continued

52

Case — vs — Case &c

Geo. W. Ward & Nich. R. Cook — Florida — Ct of Appeals

Register & Receiver &c. — Appts — 1832 Aug. Mandate to be continued

53

Jones — vs — Gregory

Geo. W. Ward & Nich. R. Cook — Florida — Ct of Appeals

Register & Receiver &c. — Appts — 1832 Aug. Mandate to be continued

54

Case — vs — Robinson &c

The United States — Appellants — E. Louisiana — U. S.

1832 Aug. Mandate to be continued

55

Clagett — vs — Kilbourn

William T. Nicholls — Appellant &c — Washington — U. S.

1832 Aug. Mandate to be continued

56

Case — vs — Boyd & Freeman

Sylvia Segond et al Owners &c of — E. Louisiana — U. S.

The Steam Boat Planter — Appellants — 1832 Aug. Mandate to be continued

57

William T. Howard — and

August Term 1832.

Appeal dism'd Hollingsworth Maynard vs. Pennsylvania C. C. U. S.
pr pet
1832 Aug. Decree to be continued

34.

" "

Aug. Ohio U. Thompson

Ap. dism'd The United States Florida Sup. Ct. in Error and
1832 Aug. Decree to be continued

35.

" "

Ohio Peckham

Aug. Ohio Barron surviving Exr use of Maryland C. of Appeals
Luke Tiernan Exr of Jno. Craig - 1832 Aug. Decree to be continued
pr pet
36

Aug. The Mayor &c City Council of Baltimore

Ap. dism'd Charles Vallier Appt Ohio C. C. U. S.
1832 Aug. Decree to be continued

37.

" "

Aug. Thomas S. Winans use &c

Ex parte In the matter of Exr Dominus C. C. U. S.
The United States Vs Holland &c grant an appeal &c
1832 Entered to be continued

38.

" "

Aug. 8 Hhds of Sugar Tuffs & Black & Co.

Ap. dism'd The United States pltff in Er. Washington C. C. U. S.
1832 Aug. Decree to be continued

39

" "

Aug. Thomas Tillotson jr.

August Term 1832.

81 The United States-pltff in Er. Washington. C. C. U. S.
1832 Aug. Ordered to be continued

41 "

Geo. Washington

80 The Bank of Potomac & al Er. Louisiana & C. U. S.
Columbia — pltffs 1832 Aug. Ordered to be continued

41 "

The United States

Maynard 81 Edmund Garrington et al pltff- Massachusetts- C. C. U. S.
1832 Aug. Ordered to be continued

42 "

Webster — The Merchants Insurance Company

Clay 83 John Minor - pltff in Er. Louisiana - C. C. U. S.
1832 Aug. Ordered to be continued

43 "

Crittenden Crittenden Wilson

Jones Clay 84 James Erwin - pltff Ty. Tennessee - C. C. U. S.
1832 Aug. Ordered to be continued

44 "

Bell Hunt H. Blake

Jones 85 James A. Pendleton pltff in Er. Mississippi - C. C. U. S.
1832 Aug. Ordered to be continued

45 "

James H. Reynolds Esq

August Term 1832.

	Nov 11	Geo. Morrell & James Finzer pffs in er.	Ohio. C. C. U. S.	
46.		Def'd	1832 Aug. Dismd & to be continued	
Same as Kinney		Estate of Isaac Harmisheers		
Ingersoll 47.		Union Bank of Geo. Penna pffs in er.	Washington C. C. U. S.	
		Def'd	1832 Aug. Dismd & to be continued	
		George B. Magruder		
Livingston Schute 48.	Nov 12.	The Mayor &c of New Orleans & C. Louisiana C. C. U. S.		
		Pffs Atty	1832 Aug. Dismd to be continued	
		Def'd		
		The United States		
49.	Nov 14	Jacob Mumma pffs in er.	Washington C. C. U. S.	
		Def'd	1832 Aug. Dismd to be continued	
Coyle		The Potomac Company		
50.	Nov 16	Joshua Shaw pffs in er.	New York C. C. U. S. (Ss.)	
		Def'd	1832 Aug. Dismd to be continued	
		Joseph Cooper		
Wylie 51.	Nov 16	Estate of Samuel Smith pffs in er.	Kentucky C. C. U. S.	
		Def'd	1832 Aug. Dismd & to be continued	
		James Tinsdal infant of Robert		

August Term 1832.

The United States for &c. Washington. C. C. U. S.

1832 Aug. Ordered to be continued

The United States

The Union Fire Insurance Company &c. for &c. Louisiana. C. C. U. S.

1832 Aug. Ordered to be continued

The United States

The Commercial Insurance Company for &c. Massachusetts. C. C. U. S.

1832 Aug. Ordered to be continued

The Merchants Insurance Company

John Minor for &c. Louisiana. C. C. U. S.

1832 Aug. Ordered to be continued

Archibald Wilson

James Craig for &c. Tennessee. C. C. U. S.

1832 Aug. Ordered to be continued

Hugh M. Black

James A. Pendergrast for &c. Mississippi. C. C. U. S.

1832 Aug. Ordered to be continued

James A. Hamilton

August Term 1832.

	Nov. 11	Geo. Morris & Simon Gingras pff in er.	Ohio L. C. U. S.	
46.		No.	1832 Aug. Dismd. & to continue.	
Same Same		Lessee of Isaac Harmon heirs		
Ag-Sundah		Mech. & Bank of Geo. Penna pff in er.	Washington L. & Co.	
47.		No.	1832 Aug. Dismd. & to continue	
		George H. Magruder		
Magda-lena Schuta-	Nov. 12.	The Mayor &c of New Orleans pff in er.	v. Louisiana L. C. U. S.	
48.		No.	1832 Aug. Dismd. to be continued	
		The United States		
	Nov. 14.	Jacob Mumma pff in er.	v. Washington L. C. U. S.	
49.		No.	1832 Aug. Dismd. to be continued	
Cope		The Potomac Company		
	Nov. 15	Joshua Shinn pff in er.	v. New Castle L. C. U. S.	
50.		No.	1832 Aug. Dismd. to be continued	
		Joseph Cooper		
Griffe	Nov. 18	Lessee of Samuel Smith pff in er.	v. Kentucky L. C. U. S.	
51.		No.	1832 Aug. Dismd. to be continued	
		James Parker & al in right of Robert		

August Term 1832.

Benton — vs — James McCulloch vail — Appl'd W. Tennessee C. C. U. S.

1832 Aug. Decree to be continued.

Same — Same vail

Benton — vs — Same — Same — Appl'd Missouri Supr. Ct. St. Louis Dist.

1832 Aug. Decree to be continued.

The State of Missouri.

Same — Expedition C. C. Cotheral — Appl'd Washington C. C. U. S.

1832 Aug. Decree to be continued.

Benjamin L. Sims admr &c.

Cabell — Same Defendants

Janey — Gabriel Richmond vail pltff in Error — Michael Tarlay — Supr. Ct. of

1832 Aug. Decree to be continued.

Sergeant — James's Defendants

Vaughan — vs — Sergeant Sickness — Appl'd Washington C. C. U. S.

1832 Aug. Decree to be continued.

James B. Smith Def't

Wyatt — Dunn vail — Appl'd Ohio C. C. U. S.

1832 Aug. Decree to be continued.

Same Clark vail

August Term 1832.

1832
Feb
8

Feb. Circ. & E. D. Pennsylvania & Maryland & D. C. U. S.
The Ship Virgin — Appl'ts 1832 May Decree to be confirmed.

28 "

Adam Upshur Jr. Libellant

Adam Upshur Jr. Libellant & Maryland & D. C. U. S.
The Ship Virgin — Appl'ts 1832 May Decree to be confirmed

29 "

Feb. Circ. & E. D. Pennsylvania Claimants

Feb. 8. Chesapeake & Ohio Canal Company & Washington & D. C. &c.
Peffer & Co 1832 May Decree to be confirmed

60 "

The Union Bank of Georgia Intervenor

Feb. 8. Chesapeake & Ohio Canal Company & Washington & D. C. U. S.
Peffer & Co 1832 May Decree to be confirmed

61 "

Ohio Master

Chesapeake & Ohio Canal Company & Washington & D. C. U. S.
Peffer & Co 1832 May Decree to be confirmed

62. "

Virginia Thomas Shackelford

Feb 9 Bernardo Dumfounge & al Thomas Shackelford & al
1832 May Decree to be confirmed

63. "

The United States —

August Term 1832.

Richard Smith pltff vs The Washington & Geo. R. Co.

1832 Aug. Demurrer to be continued

Same Same

Mark Alexander pltff vs The Washington & Geo. R. Co.

1832 Aug. Demurrer to be continued

William Cox

Wm. Wilson vs Thos. Binney pltff The Washington & Geo. R. Co.

1832 Aug. Demurrer to be continued

Chesapeake & Ohio Canal Company

Wm. Wilson vs Thos. Binney pltff vs The Washington & Geo. R. Co.

1832 Aug. Demurrer to be continued

Chesapeake & Ohio Canal Company

The Bank of Alexandria pltff vs The Alexandria & Geo. R. Co.

1832 Aug. Demurrer to be continued

Thomas Swann

Charles & George Dent pltff vs The Maryland & Geo. R. Co.

1832 Aug. Demurrer to be continued

James F. Hall

August Term 1832.

1832. Jan. 8. George Spencer Exhx & c. ppts — Alexandria C. C. U. S.

B32 May. Ordered to be continued

70 no

John Stumpf & ux

Jan. 8. Farmers' Bank of Maryland — Alexandria C. C. U. S.

B32 May. Ordered to be continued

71 no

John Hoff ux

Jan. 13. Reuben Lepithers — Appt. — Alexandria C. C. U. S.

B32 May. Ordered to be continued

72 no

John Lepithers

William Yeaton dec — Alexandria C. C. U. S.

— Appts

B32 May. Ordered to be continued

73 no

Edward Simms dec

John Stull — Appt. — Maryland C. C. U. S.

B32 May. Ordered to be continued

74 no

Leonard Jarvis dec

Jan. 23. John Coulson — Appt. W. Tennessee C. C. U. S.

B32 May. Ordered to be continued

75 no

Jane Upshaw alias Jane dec

August Term 1832.

1832 Dec.

2. Alexander McCall — Appl[t] Vs. Tennessee C. C. U. S.

1832 Aug: Mand. to be continued

76 "

Lewis Cass and Henry Shreve Def[ts] in

June 11. Bank United States Stockholders — Appl[ts] Vs. Washington Circ. Ct.

1832 Aug: Mand. to be continued

77 "

Chas. J. Ingersoll Def[t]

June 11. Chas. Scott and Richard Simmons of Kentucky C. C. U. S.

Martin Nicholl Def[t] in Error 1832 Aug: Mand. to be continued

78 "

James Sayers and Def[t]

John Nicholas Def[t] — Appl[ts] Kentucky C. C. U. S.

1832 Aug: Mand. to be continued

79 "

Samuel Trimble Def[t]

Vaughan Dec. 1. Elijah L. Cunningham — Appl[t] Ohio C. C. U. S.

1832 Aug: Mand. to be continued

80. Joshua Stow continued to be on [illegible]

[illegible] — Def[t] — Mr. Key, Atty.

Proclamation being made Ct. is adjourned to the time and place appointed by Law.

January Term 1833

At the Capitol of the United States in the City of Washington and District of Columbia being the present Seat of the National Government of the United States, on the second Monday of January being the Fourteenth day of the same month, in the Year of our Lord one thousand eight Hundred and thirty three and of the Independence of the United States the Fifty seventh, the Supreme Court of the United States met agreeably to Law

Present

The Honorable John Marshall Chief Justice
Gabriel Duvall
The Hon Joseph Story Associate Justices
Smith Thompson
John McLean

Henry Dilly Esquire Marshal
Williams Thomas Carroll Clerk

Proclamation being made the Court is opened

On motion Josiah Pickett was by the Court admitted to practice as an Attorney and Counsellor of this Court and he took and subscribed the

Monday January 14th 1833 Continued

On motion first made to the Court in this behalf by Mr Carter It is ordered that John H Livingston Esq James H Welch and Austin Butterfield Esquires of the State of New York be admitted to practice as Attorneys and Counsellors of this court and they were sworn accordingly

On motion first made to the Court in this behalf by Mr Bowerbank It is ordered that Williams M Oliver Esquire of New York be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly

On motion first made to the Court in this behalf by Mr Dunn It is ordered that William T Brent Esq of the City of Washington in the District of Columbia and William F Fuller Esquire of Arkansas Territory be admitted to practice as attorneys and counsellors of this Court and they were severally sworn accordingly

The Alabama Bank Appellants
vs
against Frank Gales Esq

Mr Cranch for the Appellants moved the Court to set down the cause for argument tomorrow On consideration whereof It is ordered by this Court that said motion be and the same is hereby overruled

Colin Mitchell vs. Appl. — Return to the commission issued in this cause the twelfth day of September Anno Domini Eighteen hundred and thirty two to take the testimony of certain witnesses on interrogatories filed by the counsel of the Appellant by and accepted by the Judges of the Supreme Court was this day opened in Court and ordered to be filed

21. The United States

William King Appl. — On motion of Mr Wirt of counsel for the Appellant and consent of Mr Archer of counsel for the Appellee

22. James Wheler

It is ordered by the court that this cause be and the same is set down for argument on next Monday the 21st instant

John McKennon vs. Appl. — Mr M'Clerkle of counsel for the defendant in error in this cause moved and

2. John Carroll — in open Court and filed the following suggestions in writing, viz. the defendant in error moves the Court for a certiorari in this case and suggests a diminution in this "the clerk has not certified the record in the case of the Heirs of Mrs John Carroll as the same appears of record in the court of Appeals of this the 10th day of June A.D. 1833" suggests to the Court here a diminution

from the Court of Appeals in and for the State of Kentucky in this in Failing to certify the record in the case of the Heirs of Hopson & others Carroll as the same appears of record in the said Court of Appeals prior to the tenth day of Janry in the year of our Lord Eighteen Hundred and twenty Four By reason of which errors and errors as aforesaid the said Counsel moved the Court to award a writ of certiorari to be directed to the Judges of the said Court of Appeals in and for the State of Kentucky commanding them that searching the records of said court in this cause they said certify to this Court under the seal of the said Court of Appeals what, new errors and errors shall be found - On consideration whereof It is now here ordered and adjudged by this Court that a writ of certiorari be and the same is hereby awarded to be issued forthwith to be directed to the Judges of the said Court of Appeals in and for the State of Kentucky commanding them to certify under the seal of the said Court what errors and errors shall be found in this cause and return the same with the said writ of certiorari to this Court forthwith

On Motion Martha Bradstreet by the Counsel of Martha Bradstreet Widow Ordered that Simeon De Witt Esquire be admitted as Counsel of this Court on behalf of the said Martha Bradstreet

Mr Randolph a Solicitor of this Court on behalf of the Hon. Judge Conkling District Judge of the United States for the Northern District of New York

Monday January 11th 1833 continued -

to the rule granted in this case by this Court the fifteenth day of March Anno Domini Eighteen hundred and Thirty four and made returnable this day - Whereupon it is ordered by the Court that the clerk file said return.

Ex Parte: Tobias Watkins - On petition for a writ of Habeas Corpus. - - - -

Mr Brent of counsel for the petitioner moved the court to grant a rule to be served on the Attorney General of the United States commanding him to be and appear before this Court on next Saturday the nineteenth instant of the present term of this Court and then and there show cause if any he have why this court should not award a writ of Habeas Corpus directed to the Marshall of the United States for the District of Columbia commanding him to have before this Court the body of Tobias Watkins the petitioner said at present to be detained in the prison of the County of Washington in said District together with the day and cause of his being so detained to Whereupon this court not being now here sufficiently advised of and concerning what judgment to give upon the premises doth order that the said motion be and the same is hereby set down for argument on next Saturday the 19th day of January of the present term of this Court -

Proclamation being made the Court is adjourned until

1809

Tuesday January 18. 1833

Pursuant to adjournment the Court met this morning at the Capitol

Present

The Honorable John Marshall Chief Justice
William Johnson
Gabriel Duvall
The Honble Joseph Story Associate Justices
Smith Thompson
John M'Lean
Wm. Jeffers Dominic Marshal
William Thomas Carroll Clerk

Proclamation being made the Court is opened.

The motion first made to the Court in this behalf by Mr Hoffman this morning that William Keogan Esquire of the State of New York be admitted practitioner as an Attorney and Counsellor of this Court was accordingly

John Holmes & C Appellants
vs
Robert Oakley & al Appellees

The argument of this cause was commenced by Mr Chilton for the Appellants and continued by Mr Loughborough for the Appellees —

Tuesday January 15 1833 Continued —

79

John Holmes use Appt
vs
Daniel Trout use

On appeal from the Circuit Court of the United States for the District of Kentucky

Mr Wickliffe of counsel for the appellant moves the Court for a certiorari in this cause and suggests a Diminution of the record in this, viz. That on the trial of this cause in the said Circuit Court the record of the case of John Holmes use vs Buckner Trigg Trigg was used as referred to in the amended bill and used in evidence on the trial and now remaining of record in the said Circuit Court By reason of which omission and error as aforesaid the said counsel moved the Court to award a writ of certiorari to be directed to the Judges of the said Circuit Court commanding them that searching the records of said Circuit Court in this cause they shall certify to this Court under the seal of the said Circuit Court what ever omissions and errors shall be found —

On Consideration whereof, It is now here ordered and adjudged by this Court that a writ of Certiorari be and the same is hereby awarded to be issued forthwith to be directed to the Judges of the said Circuit Court commanding them to certify under the seal of said Court what omissions and errors shall be found in this cause and return the same with the said writ of certiorari to this Court forthwith —

Tuesday January 15 1833 Continued

80

Eliza L. Carrington Appellant
vs
Thos. Ap Catesby Jones Executor of Wm. Kennon deceased

On appeal from the Circuit Court of the United States for the District of Ohio.

The appellant in this cause having filed an order with the clerk to dismiss this appeal and no counsel appearing to represent the appellee. It is considered, decreed and decreed by this Court that this appeal to the Circuit Court of the United States for the District of Ohio be and the same is hereby dismissed. Pr. Mr. Ch. Jus. Marshall

Proclamation being made the Court is adjourned until tomorrow morning at eleven o'clock.

Wednesday January 16 1833.

Pursuant to adjournment the Court met this morning at the Capitol

Present

The Honble The Marshall Chief Justice
William Cranch
Gabriel Duvall } Associate
The Honble Joseph Story } Justices
Smith Thompson
John McLean
Henry Ashton Esquire Marshall
William Thomas Carroll Clerk

Proclamation being made the Court is opened

75. The Conlon Appellt vs James Wallon Defdt — On motion of Mr Peters on behalf of Peter Finney and while the counsel in this cause was assigned by the Court that this cause be continued to the next term of this Court

74 John Holmes Defdt Appellt vs Daniel Grant Deft — The argument of this cause was continued by Mr Taylor for the Appellees and concluded by Mr Wirt for the Appellants

Proclamation being made the Court is adjourned

Thursday January 17 1833

Pursuant to adjournment the Court met this morning at the Capitol

Present

The Honorable John Marshall Chief Justice
William Johnson
Gabriel Duvall
The Hon.ble Joseph Story Associate Justices
Smith Thompson
John McLean
Henry Clay Esqr Marshal
William Thomas Carroll Clerk

Proclamation being made the Court is opened —

William Barker Error On motion of Mr Peters
&
Frances Wyatt & al Def.ts It is ordered by the Court
that this cause be and the
same is hereby postponed
for the present. —

Frances Wyatt & al Appellants On motion of Mr Peters
&
William Barker It is ordered by the Court
that this cause be and the
same is hereby postponed
for the present. —

Thursday January 17 1833 Continued

7	James L. O'Brien pltff in Err vs James H. Davis	In Error to the District Court of the United States for the Western District of Pennsylvania

The plaintiff in Error in this cause having been three times solemnly called by the Marshal to come into court and prosecute this writ of error and failing so to do and the defendant in Error having been likewise called and failing to appear. It is ordered and adjudged by the Court that this writ of error to the District Court of the United States for the Western District of Pennsylvania be and the same is hereby dismissed with Costs.

Ord. M. Ch. Jus. Marshall

5.	Amos Binney Appellt vs The Chesapeake & Ohio Canal Company	On motion of Mr Swift of Counsel for the appellee It is ordered by the Court that this cause be and the same is hereby put to the foot of the docket.

8.	Thomas Hammond & Wife Appellts vs George Washington's Exrs	On motion of Mr Jones of Counsel for the appellee It is ordered by the Court that this cause be and the same is hereby put to the foot of the docket.

	John M'Kee a pgnee of	The pl'aintiff in Error
	Josiah M'Nelson pff in Er-	and defendant in Error
9	" "	in this cause having been
	Isaac Nicholls pf Errs	called and failing to
		appear. It is ordered by

the Court that this cause be and the same is hereby put to the foot of the docket.

	Charles River Bridge	Mr Wirt of counsel for
	" pff in Er.	the defendants in Error
11	Warren Bridge def't	moved the Court to
		assign a particular day

for the hearing of this cause. The consideration of which motion is ordered to be postponed for the

	Henry W. Livingston Pltff	Mr Ingersoll of counsel
	" Pff in Er.	for the plaintiffs in Error
17	The United States	moved the Court for leave
		to re argue this cause, which

was opposed by Mr Attorney General. Whereupon this Court not being now here sufficiently advised of and concerning what Judgment to render in the premises orders that the consideration of the same be postponed.

	Charles A. Davis pltff in Er.	This cause was argued by
	"	Mr White for the plaintiff
20	Isaac Packard def't	in Error and submitted
		to the consideration of the Court

Thursday January 17 1833 Continued.

18. William Tyrrell Govr &c vs Andrew Rountree &al — The argument of this cause was commenced by W. Bell for the plaintiffs in Error continued by Mr Bell for the defendants in Error and concluded by W. Cooper for the plaintiffs in Error.

17. Thomas L. Owings &c vs Andrew Kincannon &c — Mr Bibb of counsel for the appellee moved the Court to dismiss the appeal in this cause on the ground that only two of the defendants in the Court below had joined in this appeal — whereas there were several other defendants who have not joined in the appeal, which was opposed by Mr Yerger of counsel for the appellants and advocated by Mr Bibb for the appellee. On consideration whereof. This Court not being now fully sufficiently advised of and concerning what Judgment to render in the premises doth order that the consideration of the same be and the same is hereby postponed.

Proclamation being made the Court is adjourned until to morrow morning at eleven Oclock.

Friday January 18 1833

Pursuant to adjournment the Court met this morning at the Capitol

Present

The Honorable John Marshall Chief Justice
William Johnson
Gabriel Duvall
The Hon. Joseph Story Associate Justices
Smith Thompson
John McLean
Henry Ashton Esquire Marshal
William Thomas Carroll Clerk

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr Hoffman It was ordered that Edmund C Read Esquire of the State of New York be admitted to practice as an Attorney and counsellor of this court and he was accordingly.

In Error to the State of Henry Nail & Lydia his wife, Jeremiah McGuslain, Jane Ferguson and Joseph Tyrrell

18. vs Pltff in Error

against Rountree Jane Thomas Ann Thomas James Priest, Thornton Ferguson, Samuel B. McKnight, John Simmons, William Lawson, Nicholas Lawson, Leonard Thompson, Joseph Miller, Charles Lawson, John Rountree, Enoch Gallaway, Richard Cragg, Elijah Cragg and

Friday January 18 1833 Continued.

In Error to the Circuit Court of the United States for the District of West Tennessee

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of West Tennessee and was argued by counsel, On consideration whereof. It is the opinion of this court that there is no error in the charge of the said Court whereupon the record and aforesaid by this Court that the Judgment of the said Circuit Court in this cause be and the same is hereby affirmed with costs —

"P. V. Ch. Jus. Marshall"

George W. Ward and R. K. Call vs. Jas. J. Gillespie — Mr. White of counsel for the Appellee in this cause moved the Court to dismiss this Appeal for the want of jurisdiction on the ground that the matters in controversy do not exceed the sum of Two thousand dollars — On consideration whereof this court not being now sufficiently advised of the premises concerning which judgment to render in the premises orders that the further consideration of the same be post poned for the present. —

George W. Ward and R. K. Call vs. Jas. J. Gillespie — Mr. White of counsels for the Appellees in this cause moved the Court to dismiss this Appeal for the want

30 [illegible]

Friday January 18 1833 Continued

that the matters in controversy do not exceed the sum of five thousand dollars On consideration whereof this court not being now here sufficiently advised of and concerning what judgment to render in the premises, Doth order that the further consideration of the same be postponed for the present. —

Charles River Bridge &c. } M. of counsel for
" " } the in error moved
Warren Bridge et al, } the Court for leave to
re argue this cause, which
was opposed by a to behalf of the in error
On consideration whereof, this court not being now here sufficiently advised of and concerning what judgment to render in the premises Doth order that the consideration of the same be postponed for the present. —

Abm D. Duncan's heirs } On consideration of the
" " } motion made in this cause
The United States } on a prior day of the present
term of this Court by Mr
Ogden Hoffman of counsel for the Plaintiffs in Error It is ordered by the court that leave be and the same is hereby granted counsel to re argue this cause. And it is further ordered that the same be set down for argument on next Monday the 21st instant —

Friday January 18 1833 Continued

24. The United States plff
vs
Geay Wilson

This cause was argued by Mr Attorney General in behalf of the United States

17. Thomas L. Owings Val Appt.
vs
Andrew Kincannon

The motion made in this cause on yesterday by Mr Bibb to dismiss the appeal for the want of proper parties was advocated by him in support of the motion and opposed by Mr Laughborough who contended that the appearance of the appellee by counsel cured the defect, the consideration whereof this court not being now fully advised of and concerning what judgment to render in the premises doth order that the consideration of the same be postponed for the present.

23. Abraham Shaw Val Appt
vs
James E. Smith

This cause having been called and neither party ready to proceed in the argument of the same It is thereby ordered that the same be put to the foot of the docket.

85 Chests of Sugar.

25. Joseph Barlow, Clt. Appt
vs
The United States.

The argument of this cause was commenced by Mr Morton for the appellant.

Proclamation being made the court is adjourned until

Saturday January 19 1833

Pursuant to adjournment the Court met this morning at the Capitol.

Present

The Honorable John Marshall Chief Justice
Gabriel Duvall
the Hon Joseph Story & Associate Justices
John McLean
Henry Ashton Esquire Marshal
William Thomas Carroll Clerk

Proclamation being made the Court is opened

No 5. Ex parte Tobias Watkins — On petition for a writ of Habeas Corpus — Mr Brent in behalf of the petitioner now proceeded to argue in support of the motion made by him on a prior day of this term viz Monday the 14th day of January, in opposition to which Mr Attorney General in behalf of the United States prayed the court to postpone the argument on the ground that new and different reasons from those assigned in the petition had been taken by the counsel for the petitioner that he might prepare himself — On consideration whereof it is ordered by the Court that the further argument of the case be postponed for the present —

Saturday January 19 1833 Continued

George W. Ward and N. R. Cutbush &c. Appts
vs
Louis Gregory

Mr. Attorney General of counsel for the appellants moved the Court to postpone the argument of the motion made in this cause yesterday. On consideration whereof, It is ordered by the Court that the argument of the motion to dismiss this appeal be and the same is hereby postponed for the present.

29

George W. Ward and N. R. Cutbush &c. Appts
vs
John Robinson &c.

Mr. Attorney General of counsel for the appellants moved the Court to postpone the argument of the motion made in this cause yesterday. On consideration whereof, It is ordered by the Court that the argument of the motion to dismiss this appeal be and the same is hereby postponed for the present.

30

Proclamation being made the Court is adjourned until Monday morning at eleven o'clock.

Monday January 21st 1833

Pursuant to adjournment the Court met this morning at the Capitol.

Present

The Honorable John Marshall Chief Justice
Gabriel Duvall
The Hon. Joseph Story & Associate Justices
John McLean
Henry Ashton Esquire Marshal
William Thomas Carroll Clerk

Proclamation being made the Court is opened

On motion first made to the Court in this behalf by Mr Sergeant It is ordered that J. J. Dunlop Esquire of the State of Mississippi be admitted to practice as an Attorney and Counsellor of this Court and he was sworn accordingly.—

Ex parte Silas Watkins On petition for a writ of Habeas Corpus — Mr Brent proceed to argue in support of the motion made by him in this case in behalf of the petitioner

On a prior day of the present term of this court, which was on monday the 14th instant.—

On motion first made to the Court in this behalf by Mr Sergeant It is ordered that Henry Rogers Esquire of the State of Pennsylvania be admitted to practice as an Attorney and

Monday January 21st 1833 Continued

17. Abner L. Duncan's heirs &c. vs Plff in Er. The United States. On motion of Mr. Attorney General in behalf of the defendant in error and by consent of Mr. Ingersoll of Counsel for the plaintiffs in Error It is ordered by the Court that the argument of this cause be and the same is hereby postponed for the present.

4. Walter Brashear Appellt vs Francis Westwal Val. On motion of Mr. Bibb of counsel for the appellant it is ordered by the Court that the argument of this cause be and the same is hereby postponed for the present

6. Francis Westwal Appellee vs Walter Brashear. On motion of Mr. Bibb of counsel for the appellee it is ordered by the Court that the argument of this cause be and the same is hereby postponed for the present.

28. Lessee of Edward Livingston Val vs Plff in Er. John Moore Def. On motion of Mr. Ingersoll of counsel for the defendant in error and by consent of Mr. Ingersoll of counsel for the plaintiff in error. It is ordered by the Court that the argument of this cause be and the same is hereby postponed for the present.

Monday January 21st 1833 Continued

The United States plff in Er.		On motion of Mr. Attorney General
31	"	of counsel for the plaintiff in
Ebenezer W. Ripley		Error it is ordered by the court
that the argument of this cause		
be and the same is hereby postponed for the present.		

H. Magruder sol. plff in Er.		The argument of this cause
34	"	was commenced by Mr. Ingersoll
John K. Thompson		for the plaintiff in Error.

Rule No 39.

1st It is ordered by the Court, that during the Session of the Court any Gentleman of the bar having a cause on the docket and wishing to use any Book or books in the Law Library shall be at liberty upon application to the Clerk of the Court therefor to take the same notwithstanding any one time they from the Library, he being thereby responsible for the due return of the same within a reasonable time or when required by the Clerk. And it shall be the duty of the Clerk to keep in a book for that purpose a record of all books so returned which are to be charged against the party receiving the same. And in case the same should not be so returned the party receiving the same shall be responsible for and forfeit and pay three times the value thereof, as also one dollar per day for each day's detention beyond the limited time.—

2nd It is ordered by the Court that during the Session of the Court any Judge thereof may take from the law library any book or books he may think proper, he being responsible for the due return thereof.—

Proclamation being made the Court is adjourned until

Tuesday January 22d 1833

Pursuant to adjournment the Court met this morning at the Capitol

Present

The Honorable John Marshall Chief Justice
Gabriel Duvall
The Hon Joseph Story } Associate Justices
John McLean
Henry Ashton Esquire Marshal
William Thomas Carroll Clerk

Proclamation being made the Court is opened

No. Magnire et al Plffs in } the argument of this cause
Error was concluded by Mr. Key
John R. Thompson & Co. } for the plaintiffs in
error by Mr Brown for
the defendant in error and concluded by Mr Sergeant
for the plaintiffs in Error

Proclamation being made the court is adjourned
until tomorrow morning at eleven oclock

1835.

Wednesday January 28 1835 –

Pursuant to adjournment the Court met this morning at the Capitol

Present

The Honorable John Marshall Chief Justice
Gabriel Duvall
Joseph Story } Associate Justices
John McLean

Henry Ashton Esquire Marshal
William Thomas Carroll Clerk

Proclamation being made the Court is opened. –

No 3.

No 3. Ex parte Isham Watkins on petition for a writ of Habeas corpus. –

Mr Attorney General on behalf of the United States now procee[ded] to argue against the motion made in this cause on monday the 19th inst by Mr Brent on behalf of the petitioner which was supported by Mr Love on behalf of the petition in reply and conclusion. –

Aaron L. Duncan's Heirs. } The argument of this cause was
vs } commenced by Mr Sergeant for
The United States } the plaintiffs in Error. –

Proclamation being made the Court is adjourned until tomorrow morning at eleven oclock. –

Thursday January 24 1833

Pursuant to adjournment the Court met this morning at the Capitol.

Present

The Honorable John Marshall Chief Justice
Gabriel Duvall
The Hon. Joseph Story } Associate Justices
John McLean
Henry Ashton Esquire Marshal
William Thomas Carroll Clerk

Proclamation being made the Court is opened.

17. Abner L. Duncan's Heirs } The argument of this cause
vs } was continued by Mr. Attorney
The United States } General for the defendants
in Error and concluded by
Mr Ingersoll for the Plaintiffs in Error.

4. Walter Brashear Appellant } The argument of this cause
vs } was commenced by Mr Bibb
Francis West val } for the appellant and continued
by Mr Peters for the Appellees.

6. Francis West val. Appellees } The argument of this cause
vs } was commenced by Mr Bibb
Walter Brashear } for the Appellees and continued
by W. Peters for the appellants.

Proclamation being made the Court is adjourned until

1829.

Friday January 23 1829.

Pursuant to adjournment the Court met this morning at the Capitol.

Present

The Honorable John Marshall Chief Justice
Gabriel Duvall
The Hon'ble Joseph Story Associate Justices
Smith Thompson
John McLean
Henry Ashton Esquire Marshal
William Thomas Carroll Clerk

Proclamation being made the Court is opened—

On motion first made to the Court in this behalf by Mr. Key— It is ordered that Henry S. Handy Esquire of the State of Indiana be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly—

4. Walter Boshen Appellant
vs
Francis Westvelt et al

The argument of this cause was continued by Messrs Peters & Sergeant for the Appellees and by Mr. Bibb for the Appellant.—

6 Francis Westvelt Appellant
vs
Walter Boshen—

The argument of this cause was continued by Messrs Peters & Sergeant for the Appellants and by Mr. Bibb

Friday January 25 1833 Continued

William King Appll
22 "vs"
James White ~ ~

Mr. Jones of counsel for the appellee moved the Court to set down this cause for argument on Monday the 25th of February to which Mr. Wirt of counsel for the appellant objected. On consideration whereof. It is ordered by the Court that said motion be overruled.

William King Appll
22 "vs"
James White ~ ~

On motion of W. Johnson of counsel for the appellant and by consent of Mr. Jones of counsel for the appellee. It is ordered by the Court that this cause be set down for argument on Monday the 25th day of February next. ~

Proclamation being made the Court is adjourned until tomorrow morning at eleven o'clock. ~

Saturday January 26 1833

Pursuant to adjournment the Court met this morning at the Capitole —

Present

The Honorable John Marshall Chief Justice
Gabriel Duvall
Joseph Story Associate
The Hon^ble Smith Thompson Justices —
John McLean

Henry Ashton Esquire Marshal
William Thomas Carroll Clerk

Proclamation being made the Court is opened —

On motion first made to the Court in this behalf by M^r Lawrence It is ordered that Robert J. Finley Esquire of the State of Ohio be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly —

24. The United States Plff in Error
vs
George Wilson —

On a certificate of division of opinion of the Judges of the Circuit Court of the United States for the third Circuit and Eastern District of Pennsylvania —

This cause came on to be heard on the transcript of the record of the Circuit Court of the United States for the third Circuit and Eastern District of Pennsylvania and on the question on which the Judges of that Court were divided in opinion and was argued by the Attorney General on the part

Saturday January 26 1833 Continued.

of opinion that the pardon alluded to in the proceedings not having been brought judicially before the Court by plea, motion or otherwise ought not to be noticed by the Judges or in any manner to affect the Judgment of the Law. All which is directed and adjudged to be certified to the Judges of the circuit court of the United States for the Eastern District of Pennsylvania. — Jno. M. Ch. Hus. Marshall"

4. Walter Brashear Appellt
vs
Francis West Val. — The argument of this cause was concluded by Mr Bibb for the appellant.

6. Francis West Val. Appellt
vs
Walter Brashear — The argument of this cause was concluded by Mr Bibb for the Appellees.

41. P. F. Lebourg Heirs Appellts
vs
The United States — On motion of Mr Attorney General in behalf of the United States. It is ordered by the Court that the clerk have the record in this case translated by a sworn translator and such translation be printed for the court.

63. Bernardo Tamperyac &c Appellts
vs
The United States — Mr Attorney General of counsel for the appellee moved the Court to fix a day certain for the argument of this cause. On consideration whereof this court

Saturday January 26 1833 Continued.

what judgment he render in the premises doth order that the consideration of the same be and the same is hereby postponed

83 Nos of Sugar . . ,
Joseph Barlow Claimt
vs. " " Appll
The United States.

The argument of this cause was continued by Mr Marlow for the Appellant

Proclamation being made the Court is adjourned until Monday morning at eleven Oclock.

Monday January 28 1833

Pursuant to adjournment the Court met this morning at the Capitol.

Present

The Honorable John Marshall Chief Justice
Gabriel Duvall
The Hon.ble Joseph Story Associate Justices
Smith Thompson
John McLean
Henry Ashton Esquire Marshal
William Thomas Carroll Clerk

Proclamation being made the Court is opened

Hollingsworth Maguire Daniel & Co. Error to the Circuit
Smith Maguire & William Court of the United States
Sardine, trading under the firm for the Eastern District
of Maguire & Co. Griffin & of Pennsylvania
vs This cause came on to be
John K. Thompson heard on the transcript of
the record from the Circuit

Court of the United States for the Eastern District of Pennsylvania and was argued by Counsel; On consideration whereof, It is considered, ordered and adjudged by this court that the Judgment of the said Circuit Court in this cause be and the same is hereby affirmed with costs

Ord. [illegible]

1833

Monday January 28 1833 Continued.

83 Hhds of Sugar &c Joseph Barlow Claimt vs The United States	The argument of this cause was continued by Mr Mason for the Appellant, by Mr Attorney General for the Appellee and by Mr Ogden for the Appellant.

Proclamation being made the Court is adjourned until tomorrow morning at eleven o'clock.

Tuesday January 29th 1833

Pursuant to adjournment the Court met this morning at the Capitol

Present

The Honorable John Marshall Chief Justice
Gabriel Duvall
The Hon.ble Joseph Story Associate
Smith Thompson Justices
John McLean
Henry Ashton Esquire Marshal
William Thomas Carroll Clerk

Proclamation being made the Court is opened

On motion first made to the Court in this behalf by Mr. Attorney General It is ordered that William H. Handy and James M. Buchanan Esquires of Maryland be admitted to practice as an attorney and counsellor of this Court and they were severally sworn accordingly.

Joshua Scholefield &c
Surv.g partner - Plffs in Er.
vs
Lessee Eichelberger - &c

The argument of this cause was commenced by Mr. Donaldson and continued by Mr. Key for the plaintiffs in Error and submitted to the consideration of the Court on the part of the defendant in Error on a printed argument.

10.

Tuesday January 29 1835 Continued

James W. Ruddle et al
vs
Jeffries
Nicholas & Tiffy

This cause was argued by Mr Crane for the Plaintiffs in Error.

88 Hhds of Sugar
Joseph Barlow claimt
vs
The United States.

The argument of this cause was concluded by Mr Ogden for the Appellant.

Proclamation being made the Court is adjourned until tomorrow morning at eleven oclock.

Wednesday January 30th 1833.

Pursuant to adjournment the Court met this morning at the Capitol.

Present.

The Honorable John Marshall Chief Justice
Gabriel Duvall
The Honble Joseph Story Associate
Smith Thompson "
Henry Baldwin "
William Thomas Carroll Clerk

Proclamation being made the Court is opened

Frances Duncan Widow and
Chas N. Duncan, Frederic B. Conrad
and Frances his wife, Hannah Duncan
Elijah Duncan & Abner Duncan heirs
of Abner L. Duncan. Appellants

vs

The United States. Appellees

This cause came on to be heard on the transcript of the record from the District Court of the United States for the Eastern District of Louisiana

17.

and was argued by counsel. On consideration whereof It is ordered and adjudged by this Court that the Judgment of the said District Court in this cause be and the same is hereby affirmed with costs and damages at the rate of Six per centum per annum.

"Jr Wm Mc Kenn"

Charles A Lewis plff in Er. } In Error to the Court for
vs } the Trial of Impeachments
Isaac Packard Henry Lidder } and correction of errors for
and William Murphy } the State of New York.

This cause came on to be heard on the transcript of the record from the Court for the Trial of Impeachments and correction of Errors for the State of New York and was argued by counsel, On consideration whereof. It is the opinion of this court that the plaintiff in Error being consul & ynomul of the King of Saxony exempted him from being sued in the State Court, by reason whereof the Judgment rendered by the Court for the Trial of Impeachments and correction of errors is erroneous. Whereupon It is ordered and adjudged by this Court that the Judgment of the said Court for the Trial of Impeachments and correction of errors be and the same is hereby reversed and that this cause be and the same is hereby remanded to the said Court with directions to conform its Judgment to the opinion of this Court. — P. V. Mr. Justice Thompson's

Charles A Lewis Plff in Er } On motion of Mr White of
vs } counsel for the Plaintiff
Isaac Packard Defdt } in Error in this cause.

It is ordered by the court that the clerk of this Court do forthwith issue the mandate in this cause. —

Wednesday January 30th 1833 Continued

Richard M. Teall Plff in Err vs
Ezra Seals defdt vc

The argument of this cause was commenced by Mr Swann for the Plaintiff in Error, continued by Mr Jones for the Defendant in Error and concluded by Mr Swann for the Plaintiff in Error

Proclamation being made the court is adjourned until tomorrow morning at eleven oclock.

1833.

Thursday January 31 1833 -

(Pursuant to adjournment the Court met this morning at the Capitol

Present

The Honorable John Marshall Chief Justice
Gabriel Duvall
The Honble Joseph Story Associate
Smith Thompson Justices
John McLean
Henry Ashton Esquire Marshal
William Thomas Carroll Clerk

Proclamation being made the Court is opened.-

No 3 Ex parte Fabius Walkins - On Petition for a writ of Habeas Corpus

On consideration of the motion made in this cause on a former day of the present term of this Court, to wit, on Monday the 14th instant by Mr Brent of counsel for the Petitioner for a rule to be served on the Attorney General of the United States commanding him to be and appear before this Court to shew cause, if any he have, why this Court should not award a writ of Habeas Corpus directed to the Marshal of the United States for the District of Columbia commanding him to have before this Court the body of Fabius Walkins the petitioner stated & therein to be detained in the prison of the County of Washington in said District together with the day and cause of his being so detained & and of the arguments

and ordered by this court that the rule prayed for be and the same is hereby granted returnable to next Saturday the second day of February of the present term of this court -

"Jn. M. Cl. Cur. March 22"

On motion first made to the Court in this behalf by Mr Crawford - It is ordered that Henry Cooper Esquire of the State of Louisiana be admitted to practice as an Attorney and counsellor of this Court and he was sworn accordingly -

63. Bernardo Sampayac vol — vs — Appellt
The United States — On consideration of the motion made in this cause on a former day of the present term of this Court touching on Saturday the 26th instant by Mr Attorney General of counsel for the appellee - It is ordered by the Court that the said motion be and the same is hereby overruled -

28. Lessee of Edmund Livingston &c — pltff in Er. vs — Thos Moore &c — On motion of Mr Taney of counsel for the plaintiff in Error and by consent of Mr Sargeant of counsel for the defendants in Error -

It is ordered by the Court that this cause be and the same is hereby peremptorily fixed for argument on Saturday next the 2d day of February -

Thursday January 31. 1833. Continued.

	The United States Plff in Er.	This cause was argued
31.	"	by Mr Attorney General
	Elroy M. Kelley	on behalf of the plaintiff
		in Error.

	Williams & Nicholls Plff in Er.	On motion of Mr Key of
32.	"	Counsel for the plaintiff
	Thomas C. & Pearsons &c.	in Error - It is ordered
		by the court that this cause

be and the same is hereby put to the foot of the docket.

	Selma Pigeon, Will Owners &c	This cause was argued
	of the Steamboat Steamboat -	by Mr Mason for the
33	" Appts	Appellants.
	Howard & Harrison	

On motion being made the Court is adjourned until tomorrow morning at eleven Oclock.

Friday February 1 1833 –

Pursuant to adjournment the Court met this morning at the Capitol

Present

The Honorable John Marshall Chief Justice
William Johnson
Gabriel Duvall
The Hon^ble Joseph Story Associate Justices
Smith Thompson
John McLean
Henry Ashton Esquire Marshal
William Thomas Carroll Clerk

Proclamation being made the Court is opened

The United States Appt^s
vs
33. James Parkeman

The argument of this cause was commenced by Mr. Attorney General for the Appellants, continued by Mr White for the Appellee and concluded by Mr. Attorney General for the appellant. –

Proclamation being made the Court is adjourned until tomorrow morning at eleven o'clock.

1833

Saturday February 2 1833

Pursuant to adjournment the Court met this morning at the Capitol

Present

The Honorable John Marshall Chief Justice
William Johnson
Gabriel Duvall
The Honble Joseph Story Associate Justices
Smith Thompson
John McLean
Henry Ashton Esquire Marshal
William Thomas Carroll Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court on this behalf by Mr Jones It is ordered that John Sandidge Esquire of the City of Washington District of Columbia be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

Lewis W.R. Phillips sole heir of Ralph Phillips dec'd and Sally Head widow and Nancy Head the only child of John D. Head dec'd Appellants
vs
Thomas Kincannon

Appeal from the Circuit Court of the United States for the District of Kentucky.
On consideration of the motion made in this cause on a prior day of the present term of this Court, it is, on Thursday the

Saturday February 2 1833. Continued

Appellee to dismiss the appeal on the ground that only two of the parties represented by them have joined in this appeal. The decree of the said Circuit Court being a joint decree against six persons, and of the arguments of Counsel thereupon had - It is considered by the Court that this appeal be dismissed because only a part of those against whom the decree was given joined in the appeal - Whereupon, It is decreed, adjudged and decreed by this Court that said appeal be and the same is hereby dismissed with costs -

Test. W. H. Chs. Clerk

Hippolitus L. & Es Thorel, Appts
vs
B. L. Lear, admr of Anastasia Rosenike, Appee

5th Mr Fauntleroy having suggested on the record the death of Benjamin L. Lear the appellee since the last continuance of this cause and filed letters testamentary were here moved the Court for leave to George Bomford administrator de bonis non of Benjamin L. Lear dec'd to appear and defend this appeal. On consideration whereof, It is ordered by the Court that leave be and the same is hereby to the said George Bomford administrator de bonis non of Benjamin L. Lear dec'd to appear and defend this appeal -

Saturday February 2d 1833 Continued

Jesse of Emma Livingston	The argument of this cause
&c. Pltff in Er.	was commenced by
28. vs	Mr. Ingersoll for the
Shu. Mose et al	Plaintiff in Error . .

Proclamation being made the Court is adjourned until Monday morning at eleven oclock.

Monday February 11 1833

pursuant to adjournment the Court met this morning at the Capitol

Present

The Honorable John Marshall Chief Justice
William Johnson
Gabriel Duvall Associate
The Honble Joseph Story Justices.
Smith Thompson
John M'Lean
Henry Ashton Esquire Marshal
William Thomas Carroll Clerk

Proclamation being made the Court is opened

No 28 Ex parte Emanuel Swearingen vs Stiff in Er. vs John Moore. Var

The argument of this cause was continued by Mr Swearingen for the plaintiff in Error.

Proclamation being made the Court is adjourned until tomorrow morning at eleven oclock.

1849

Tuesday February 3 1833

Pursuant to adjournment the Court met this morning at the Capitol

Present

The Honorable John Marshall Chief Justice
William Johnson
Gabriel Duvall
The Honorable Joseph Story Associate Justices
Smith Thompson
John McLean
Henry Ashton Esquire Marshal
William Thomas Carroll Clerk

Proclamation being made the Court is opened

Joseph Barlow, Claimant &c. Appeal from the Circuit
&s Hides of Sugar &c. Appellants Court of the United States
vs for the Southern District
The United States &c. of New York &c.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the Southern District of New York and was argued by counsel. On consideration whereof, It is ordered adjudged and decreed by this court that the decree of the said Circuit Court in this cause be and the same is hereby affirmed with costs. &c.

J. M. for Story

Tuesday February 5 1833 Continued

	Lessee of Edward Livingston &c		The argument of this
28.	vs	Spiff in Ex:	cause was continued
	Thos Moore &c		by Mr Dunlap for the
			respondents & Mr [illegible]

Proclamation being made the Court is adjourned
until tomorrow morning at eleven oclock. —

Wednesday February 6 1833

Pursuant the Adjournment the Court met this morning at the Capitol

Present

The Honorable John Marshall Chief Justice
William Johnson
Gabriel Duvall
The Hon'ble Joseph Story Associate Justices.
Smith Thompson
John McLean
Henry Ashton Esquire Marshal
William Thomas Carroll Clerk

Proclamation being made the Court is opened —

28 Ths of Edmund Livingston & al vs Jeff'n &c. John Moore use &c

The argument of this cause was continued by Mr Berrien and Sergeant for the Defendant in Error —

Proclamation being made the Court is adjourned until tomorrow morning at eleven o'clock. —

Thursday February 7 1833

Pursuant to adjournment the Court met this morning at the Capitol.

Present

The Honorable John Marshall Chief Justice
William Johnson
Gabriel Duvall
The Hon'ble Joseph Story Associate Justices
Smith Thompson
John McLean
Henry Ashton Esquire Marshal
William Thomas Carroll Clerk

Proclamation being made the Court is opened—

On motion first made to the Court in this behalf by Mr Coyle. It is ordered that F. W. Pendell Esquire of the City of Washington District of Columbia be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.—

28. Depue of Edmund Livingston et al vs Stiff intr. John Moore et al — The argument of this cause was continued by Mr Bryant for the Defendants in Error.

Proclamation being made the Court is adjourned until to-morrow morning at eleven o'clock.

1833.

Friday February 8 1833

Pursuant to adjournment the Court met this morning at the Capitol.

Present

The Honorable John Marshall Chief Justice
William Johnson
Gabriel Duvall
The Hable Joseph Story Associate Justices
Smith Thompson
John McLean

Henry Ashton Esquire Marshal
William Thomas Carroll Clerk.

Proclamation being made the Court is opened.

38. Lessee of Edmund Livingston &c vs Stiff in Er. — The argument of this cause was conducted by Mr Jones for the Plaintiff in Error.
John Moore Def.

36. John Barron surviving use of John Craig's Exr. Plff in Er. vs The Mayor of Baltimore — The argument of this cause was commenced by Mr Mayer for the Plaintiff in Error.

Proclamation being made the Court is adjourned until tomorrow morning at eleven o'clock.

Saturday February 9 1833

Pursuant to adjournment the Court met this morning at the Capitol.

Present

The Honorable John Marshall Chief Justice
William Johnson
Gabriel Duvall
The Honble Joseph Story Special Justices.
Smith Thompson &
John McLean
Henry Ashton Esquire Marshal
William Thomas Carroll Clerk

Proclamation being made the Court is opened.

On motion first made to the Court on this behalf by Mr Ward. It is ordered that W. P. Hallet and Samuel Markwether Esquires of the State of New York be admitted to practice as Attorneys and Counsellors of this Court, and they were severally sworn accordingly. —

10-5. Ex Parte Tobias Watkins. On Petition for a writ of Habeas Corpus. — — — The granted in this case and made returnable to last Saturday the 2d instant was argued by Mr Attorney General against the rule and by Messrs Brent and Coyle in support of the same. —

Proclamation being made the Court is adjourned until

1833

Monday February 11th 1833

Pursuant to adjournment the Court met this morning at the Capitol

Present

The Honorable John Marshall Chief Justice
William Johnson
Gabriel Duvall
The Hon'ble Joseph Story Associate Justices
Smith Thompson
John McLean
Henry Ashton Esquire Marshal
William Thomas Carroll Clerk

Proclamation being made the Court is opened

Richard M. Scott Plff in Er
vs
Eyre Lent admr with the will annexed of Eyre Lenton

In Error to the Circuit Court of the United States for the District of Columbia holden in and for the County of Alexandria

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of Columbia holden in and for the County of Alexandria and was argued by counsel On consideration whereof It is considered by this court that there is error in the Circuit Court for the District of Columbia in refusing to grant the second instruction prayed by the plaintiff in the Bill of Exceptions stated and that the said Court ought to have instructed the jury ac-

and adjudged by this Court that the Judgment of the said Circuit Court in this cause be and the same is hereby reversed and that this cause be and the same is hereby remanded to the said Circuit Court with directions to award a venire facias de novo. —

Ps. Mr. Chs. Mason

	Joshua Scholfield and John Leyla surviving partners of William Renfrew - Plffs in Er.	In Error to the Circuit Court of the United States for the District of Maryland
10.	vs	
	The personal Representatives of Jesse Eichelberger and surviving partner of - Deft in Error.	This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of Maryland and was argued by counsel, On consideration whereof It is ordered and adjudged by this Court that the judgment of the said Circuit Court in this cause be and the same is hereby affirmed with costs. —

Ps. Mr. Chs. Thruston

No. 5.	Ex parte: Tobias Watkins On petition for writ of Habeas Corpus	Mr. Attorney General concluded his argument in opposition to the rule granted in this case.

Monday February 11 1833 Continued.

	Colin Mitchell &c. Appellt	On motion of Mr Attorney
21	vs	General of Counsel for the
	The United States &c	Appellee and by consent
		of Mr Barron of Counsel

for the Appellants. It is ordered by the Court that this cause be postponed to next Wednesday the 13th inst.

	The Baron Survie use of	The argument of this cause
	The Comrs of Pub. Bldgs &c.	was continued by Mr Mayer
30	vs	for the Plaintiff in Error
	The Mayor &c of Baltimore	on the question of jurisdiction.

	Charles Wallis Appellt	The argument of this cause
37	vs	was commenced by Mr
	Thomas S. Hinde &c	Creswell for the Appellant.

Proclamation being made. The Court is adjourned until to morrow morning at eleven o'clock.

Tuesday February 12 1833.

Pursuant to adjournment the Court met this morning at the Capitol

Present

The Honorable John Marshall Chief Justice
William Johnson
Gabriel Duvall
The Honble Joseph Story Associate Justices
Smith Thompson
John McLean
Henry Ashton Virginia Marshal
William Thomas Carroll Clerk

Proclamation being made the Court is opened.

Charles Vallett Plff
vs
Thomas L. Hewes et al

The argument of this cause was continued by Mr Emmet for the Appellant and by Mr Evans for the Appellees.

Proclamation being made the Court is adjourned until tomorrow morning at eleven Oclock

Wednesday February 13 1833

Pursuant to adjournment the Court met this morning at the Capitol

Present

The Honorable John Marshall Chief Justice
William Johnson
Gabriel Duvall
The Hon'ble Joseph Story Associate Justices
Smith Thompson
John McLean
Henry Ashton Esquire Marshal
William Thomas Carroll Clerk

Proclamation being made the Court is opened. —

On motion first made to the Court in this behalf by Mr Wilkins. It is ordered that Henry M. Wells Esq. of Pittsburg in the State of Pennsylvania be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly. —

Colin Mitchell vs Appellee — Mr Attorney General of Counsel for the Appellee

21 (25)

The United States — in pursuance of notice to the Counsel for the

Appellants now here moved the Court to continue this cause to the next term of this Court in order to enable the United States to obtain from the Spanish Government certain papers which it seems essential

Wednesday February 13 1833 Continued

opposed by Messrs Webb, Berrien, and Webster of counsel for the appellants and supported by the Court in behalf of the United States - On consideration whereof this court not being now here sufficiently advised of and concerning what order and judgment to render in the premises doth order that the consideration of the same be post poned

Charles Vallier. Appellt
vs
Thomas F. Hunt et al

The argument of this cause was continued by Mr. Fox Ewing and Crary for the Appellees. -

Proclamation being made the Court is adjourned until tomorrow morning at eleven oclock -

37

Thursday February 14 1833

Pursuant to adjournment the Court met this morning at the Capitol

Present

The Honorable John Marshall Chief Justice
William Johnson
Gabriel Duvall
The Honble Joseph Story Associate Justices
Smith Thompson
John McLean
Henry Ashton Esquire Marshal
William Thomas Carroll Clerk

Proclamation being made the Court is opened.

The United States Appellt
vs
Juan Pinckman

Appeal from the Superior Court for the Eastern District of Florida.

This cause came on to be heard on the transcript of the record from the Superior Court for the Eastern District of Florida and was argued by counsel, On consideration whereof It is ordered adjudged and decreed by this Court that the decree of the said Superior Court for the Eastern District of Florida in this cause be and the same is hereby affirmed.

"John Marshall"

	Thos Holmes, Michael Omealy, Richard Colon, Hugh Thompson & William Slater - Appellees	Appeal from the Circuit Court of the United States for the District of Kentucky
79.	vs	
	Daniel Trout, Jeremiah Trout, Jacob Dunpark & William Buchannan -	This cause came on to be heard on the transcript of the record from the Circuit Court of

the United States for the District of Kentucky and was argued by counsel, On consideration whereof It is ordered adjudged and decreed by this Court that the decree of the said Circuit Court in this cause be and the same is hereby affirmed with costs.

Jos. M. Thos. M'Kean

	Colin Mitchell &al - Appellants	On consideration of the
21.	vs	motion made in this
	The United States - -	cause yesterday by the Attorney General in be

half of the United States and of the arguments of counsel as well in the appellants as for the appellees thereupon had. It is now here ordered by the Court that this cause be and the same is hereby continued to the next term of this Court.

	Colin Mitchell &al - Appellants	Mr Berrien of counsel
21	vs	for the appellants moved
	The United States -	this Court to enter an

order as its mandate that

1833.

Thursday February 14 1833 Continued. —

January Term before the 10th day of February, on which day Mr. Call of Counsel for the appellee appeared. On consideration whereof. It is now here ordered by the Court that the cause shall not be called at the next term of this court for argument before the tenth day of February Anno Domini Eighteen Hundred and thirty Four. —

Charles Vallier. Appellt
vs
Thomas P. Hinde & al

The argument of this cause was concluded by Mr. Caswell for the appellant. —

37

Ex parte: In the matter of The United States Libellant
vs
84 Boxes of Sugar —
Tufts & Clark, Claimts.

The argument of this motion for a mandamus was opened by Mr. Mayer in behalf of the Claimants, continued by Mr. Jones on the part of the Libellant and concluded by Mr. Mayer on the part of the Claimants on the question of jurisdiction —

38.

Tufts & Clark, Claimants of 84 Boxes of Sugar. Appellts
vs
The United States —

The argument of this cause was commenced by Mr. Mayer for the Appellants —

108

Proclamation being made the Court is adjourned until tomorrow morning at eleven o'clock. —

Friday February 16 1833.

Pursuant to adjournment the Court met this morning at the Capitol

Present

The Honorable John Marshall Chief Justice
William Johnson
Gabriel Duvall
The Hon[ble] Joseph Story
Smith Thompson
John McLean
Henry Baldwin Esqrs Members
William Thomas Caesar Rodney

Proclamation being made the Court is opened.

108. Jules & Clark Claimts. of 84 Boxes of Sugar &c. vs. The United States — The argument of this cause was continued by Mr. Attorney General for the Appellee

39. The United States Plff in Er. vs. Thomas Tillie brown Jr. — The argument of this cause was commenced by Mr. Attorney General for the Plaintiff in Error and continued by Mr. Cope for the defendant in Error —

Proclamation being made the Court is adjourned until tomorrow morning at eleven o'clock. —

Saturday February 16 1833

Pursuant to adjournment the Court met this morning at the Capitol

Present

The Honorable John Marshall Chief Justice
William Johnson
Gabriel Duvall
The Honble Joseph Story Associate Justices
Smith Thompson
John McLean
Henry Ashton Esquire Marshal
William Thomas Carroll Clerk

Proceedings being had in the Court in open

No. 35. The Mayor and City Council of Baltimore vs. Jeffrey Dix

The Writ of Error to the Court of Appeals for the Western Shore of the State of Maryland

This cause came on to be heard on the transcript of the record from the Court of Appeals for the Western Shore of Maryland and was argued by Counsel, On consideration whereof, It is the opinion of this Court that there is no repugnancy between the several acts of the General Assembly of Maryland given in evidence by the defendants at the trial of this cause in the Court of that State, and the constitution of the United States, Whereupon it is ordered and adjudged by this Court that the said [illegible] be and the same is

29. George W. Ward and R. K. Cobb Appts vs Lewis Gregory ---

The motion made in this cause on Friday the 11th of January last by Mr White of Counsel for the appellees to dismiss this appeal was this day argued by him in support of the motion and by Mr Attorney General on behalf of the appellants against the motion. -

30. George W. Ward and R. K. Cobb. Appts vs Robinson & Shannington

The motion made in this cause on Friday the 18th of January last by Mr White of Counsel for the appellees to dismiss this appeal was this day argued by him in support of the motion and by Mr Attorney General on behalf of the appellants against the motion. -

5. Amos Binney. Appt vs The Chesapeake and Ohio Canal Company ---

Mr Key having suggested on the record the death of Amos Binney the Appellant since the last continuance of this cause and filed the appearance of his heirs, now here moved the Court for leave to the said heirs to become parties to this appeal with the right to appear and prosecute the same whereupon it is ordered by the Court that leave be and the same is hereby granted to Amos Hannah May & John A. and Caroline Binney heirs of Amos Binney and to become parties to this appeal with the

Amos Binney Appll
vs
The Chesapeake & Ohio Canal Company

M. Key having suggested on the record the death of Amos Binney the Appellant since the last continuance of this cause and filed the appearance of his heirs, now here moved the Court for leave for the said heirs to become parties to this appeal with the right to appear and prosecute the same. On consideration whereof, It is ordered by the Court that leave be and the same is hereby granted to Amos Hannah Mary & S. Ann A and Emeline Binney heirs of Amos Binney deceased to become parties to this appeal with the right to appear and prosecute the same

Lessee of Amos Binney
vs
The Chesapeake and Ohio Canal Company

M. Key having suggested on the record the death of Amos Binney the Lessor of the plaintiff in Error since the last continuance of this cause and filed the appearance of his heirs, now here moved the Court for leave for the said heirs to become parties to this writ of error with the right to appear and prosecute the same. On consideration whereof, It is ordered by the Court that leave be and the same is hereby granted to Amos Hannah, Mary & S. Ann A and Emeline Binney heirs of Amos Binney deceased to become parties to this writ of error with the right to appear and prosecute the same.

78. The Scott sal Lessee of Martin Pickell &c &c — vs — Tyler in Er Samuel Segerwood & Hal

Mr Daugherty of counsel for the defendants in error moved the Court to dismiss the writ of error in this cause which was opposed by Mr Wickliffe of counsel for the plaintiffs in Error. Whereupon it was ordered by the Court that the consideration of this motion be and the same is hereby postponed.

29 George W. Ware register of the Tuscum land district of Florida and Richard K. Call Receiver of Public moneys for lands sold in the said District Appellts vs Lewis Gregory ——

Appeal from the Court of Appeals of the Territory of Florida —

Mr White of counsel for the appellee in this cause now here moved the court to dismiss this appeal on the ground that the judgment complained of being a judgment at Common law should have been removed to this Court by a writ of error and not by appeal. Which motion was opposed by Mr Attorney General in behalf of the appellants and sustaining the appeal. On consideration whereof, and of the arguments of counsel thereupon had. It is the opinion of this Court that a judgment at Common law cannot be brought up to this court by appeal. Whereupon it is now here ordered, adjudged and decreed by this court that this appeal from the Court of Appeals of the Territory of Florida be and the same is hereby dismissed. — Jr. Mr. Chief Justice Marshall

Saturday February 16 1833 Continued

George W. Ward, Register of the Western land district of Florida and Richard K. Call, Receiver of public moneys for lands sold in the said district — Appellants,	Appeal from the Court of Appeals of the Territory of Florida. Mr White of counsel for the Appellees in this cause now here moved the Court to dismiss this appeal on the ground that the Judgment complained of being a Judgment at common law should have been removed to this Court by a writ of error and not by appeal — which motion was opposed by Mr Attorney General in behalf of the appellants and sustaining the appeal — On consideration whereof, and of the arguments of counsel thereupon had It is the opinion of this Court that a Judgment at common law cannot be brought up to this Court by appeal — Whereupon It is now here ordered, adjudged and decreed by this Court that this appeal from the Court of Appeals of the Territory of Florida be and the same is hereby dismissed —
30. vs	
Jacob Robinson & Brunswick Swearengen	

"Pr. Ms. Chs. Jus. Marshall"

The United States pltff in Er. —	The argument of this cause was continued by Mr Jones for the
39. vs	Defendant in Error and concluded
Thomas Tillebrown pr	by Mr Attorney General for the Plaintiff in Error. —

On motion being made the Court is adjourned until

Monday February 18 1833

Pursuant to adjournment the Court met this morning at the Capitol.

Present

The Honorable John Marshall Chief Justice
William Bloss
Gabriel Duvall
The Hon'ble Joseph Story Associate Justices
Smith Thompson &
John M'Lean
Henry Ashton Esquire Marshal
William Thomas Carroll Clerk

Proclamation being made the Court is opened -

On motion first made to the Court in this behalf by Mr Peters It is ordered that Arthur Middleton Esquire of the State of South Carolina be admitted to practice as an Attorney and Counsellor of this Court and he was sworn accordingly.

No 11

The United States plaintiffs in error
vs
George Macdaniel - defendant in error

The argument of this cause was commenced by Mr Attorney General for the plaintiffs in error continued by Messrs Crepe and Sewall for the defendant in error and concluded by Mr Attorney General for the plaintiffs in Error -

Monday February 18 1833 Continued.

Ex parte Anthony Laurence Appellant } On motion of Mr. Johnson
vs } of counsel for the Appellant
The United States } leave and by consent of the
Attorney General on behalf
of the appellee. It is ordered by the Court that this
cause be postponed for the present

Proclamation being made the Court is adjourned
until tomorrow morning at eleven oclock.-

Tuesday February 19th 1833

Pursuant to adjournment the court met this morning at the Capitol.

Present

The Honorable John Marshall Chief Justice
William Thomas
Gabriel Duvall
The Honble Joseph Story Associate Justices
Smith Thompson
John McLean
Henry Baldwin
William Thomas Carroll Clerk

Proclamation being made the Court is opened

Sylvanus Peyroux, Achille Rimade & Louis Bonnard Trawick, Trading under the Firm of Peyroux Rimade & Co. Owners and Claimants of the Steamboat Planter - Appellants

vs

Williams & Hammond and Francois Narrieau - - - Appellees

Appeals from the District Court of the United States for the District of Louisiana

This cause came on to be heard on the transcript of the record from the District Court of the United States for the District of Louisiana and was argued by counsel - on consideration whereof it is the opinion of this Court that the decree of the said District Court as to the $275 is erroneous and should be reversed, and that in all other respects the said decree shall a

Tuesday February 19 1833 Continued. –

and decreed by this Court that the decree of the said District Court in this cause as to the balance of $275. for hauling out the Steamboat be and the same is hereby reversed and that the said decree in all other respects be and the same is hereby affirmed. And it is further ordered that each party pay his own costs in this Court. –

"Jr. M. Jus. Thompson"

On Motion first made to the Court in this behalf by Mr. Wilkins. It is ordered that Robert Rawle and George Sett Esquires of the State of Pennsylvania be admitted to practice as Attorneys and Counsellors of this Court, and they were severally sworn accordingly. –

No 3. Ex parte Tobias Watkins On petition for a writ of Habeas Corpus. –

On consideration of the petition filed in this case in behalf of the petitioner and of the arguments of Counsel as well for the United States as for the petitioner thereupon and It is the opinion of this Court that the writ of Habeas Corpus ought to issue as prayed for. Whereupon It is considered, ordered and adjudged by this Court that a writ of Habeas Corpus be forthwith issued directed to the Marshal of the United States for the District of Columbia commanding him to have the body of the said Tobias Watkins with the day and cause of his caption and detention immediately after the receipt of the writ to do receive and submit to all and singular those things which the court shall consider concerning him in this behalf and to have then and

(Writ ignored accordingly)

	William L. Nicholls Plff in Er.	The argument of the
32	vs	cause was commenced
	Samuel L. Evans et al Defts	by Mr. Key for the Plff
		in Error and continued

by Mr. Coxe for the Defendants in Error and concluded by Mr. Key for the Plaintiff in Error.

No 5	Ex parte: Tobias Watkins	Henry Ashton Executive
	on petition for a writ of	Marshal of the United
	Habeas Corpus	States for the District
		of Columbia having

read in open Court and filed the following writ together with his return thereon viz. United States of America ss. The President of the United States to the Marshal of the United States for the District of Columbia Greeting: You are hereby commanded that you have the body of Tobias Watkins, detained under your custody, as it is said, under safe and secure conduct, together with the day and cause of his caption and detention, by whatsoever name he shall be called in the same, before the Supreme Court of the United States now sitting in the Capitol of the United States in the City of Washington being the present Seat of the National Government immediately after the receipt of this writ to do receive and submit to all and Singular those things which the said Supreme Court shall then and there

shew and shew this writ with your doings thereon.—
At Court the Honorable John Marshall Chief Justice
of the said Supreme Court this nineteenth day of
February in the year of our Lord one thousand eight
hundred and thirty three and of the Independence of the
United States the fifty seventh present Wm. Thos. Carroll
Clerk of the Supreme Court of the United States.—

Return of the Marshal—/

To the Honorable the Judges of the Supreme Court of the
United States.— The Marshal of the District of Columbia
in obedience to the writ of Habeas Corpus issued by the au-
thority of Your honors now produces into your Hon.ble Court
the body of Solon Watkins who has been in his custody
ever since he came into office, delivered over to him by his
predecessor Enoch Ringgold, in jail, he stating that he has
been held in his custody by virtue of writs of ca. sa. at the
suit of the United States and by virtue of a writ of Capias
ad respondendum at the suit of one William Cox upon
which said last mentioned writ the the said Watkins had
been prayed an commitment by the said Cox and had
been ordered into Commitment by the Hon.ble Judges of
the Circuit Court of the United States for the District
of Columbia sitting for Washington County, by whose au-
thority also the said writ had been issued that being
at the time of the commitment of the predecessors of the said
predecessor, he continued to detain the said Watkins in
custody, without any complainant or allegation of any
illegality or wrong in the said confinement until the
rule was moved for in your Honorable Court, at this present

shews by the Attorney General of the United States why a writ of Habeas Corpus should not be granted to bring the said Watkins before your Honors together with the cause of his detention. He further shews to your Honors that since the said rule was moved for, the writ of Ca sa aforesaid has been returned and from that time to the time of his receiving the said writ of Habeas Corpus he Colin Watkins was in custody by virtue only of the 3 writs of ca sa at the suit of the United States mentioned in which he is charged & discharge him pending the deliberations of your Honors upon the legality & illegality of his detention under and by virtue of those writs first mentioned —

"(Signed) Henry Baldwin U S Marshal pr the West[illegible] District"

On consideration whereof, and after due deliberation thereupon had. It is now here considered, ordered and adjudged by this court in this behalf that the said prisoner Colin Watkins be and he is hereby discharged from confinement under the said several three writs of capias ad satisfaciendum at the suit of the United States in the said return of the Marshal mentioned —

"Pr. Wm. Ch. Rogers Marshal &c"

The United States Bank of Penn. vs. George Lowry & al

The argument of this cause was commenced by Mr. Key for the plaintiff in Error continued by Mr. Grayson for the Defendant in Error and concluded by Mr. Key for the plaintiff in Error.

Tuesday February 19 1833 Continued.—

No 6 Ex parte Tobias McPatkins On petition for a writ of Habeas Corpus.—

Mr Brent of counsel for the petitioner moved the Court to grant a rule to be served on the Attorney General of the United States commanding him to be and appear before this Court on next Saturday the 23d inst. of the present term of this court and then and there shew cause if any he have why this court should not award a writ of Habeas Corpus directed to the Marshal of the United States for the District of Columbia commanding him to have before this court the body of Tobias McPatkins the petitioner and at present to be detained in the prison of the County of Washington in said District together with the day and cause of his being so detained &c Whereupon this Court not being now here sufficiently advised of and concerning what Judgment to give upon the premises doth order that the consideration of said motion be and the same is hereby postponed till tomorrow.—

Proclamation being made the Court is adjourned until tomorrow morning at eleven o'clock.—

Wednesday February 20 1833.—

Pursuant to adjournment the Court met this morning at the Capitol

Present

The Honorable { John Marshall Chief Justice
William Thomson
Gabriel Duvall
The Hon^ble Joseph Story } Associate Justices
Smith Thompson
John McLean
Henry Ashton Esquire Marshal
William Thomas Carroll Clerk

Proclamation being made the Court is opened —

On motion first made to the Court on this behalf by Mr Ward. It is ordered that H. M. Western Esquire of the State of New York be admitted to practice as an attorney and counsellor of this Court and he was duly admitted accordingly —

Ex parte: In the matter of The United States Libellants vs 38 84 Boxes of Sugar. William Tufts & Nathaniel Clarke jr Claimants. —

On motion of Arguments for a mandamus to the District Court of the United States for the Eastern District of Louisiana and On consideration of the ——— motion of the Claimants and of the arguments of counsel, as well for the United

the considered ordered adjudged and decreed by this Court that a writ of mandamus as prayed for be and the same is hereby awarded and directed to the Judge of the District Court of the United States for the Eastern District of Louisiana ordering him to grant an appeal in the premises ---

R. B. Taney

Sir Spunkie: In the matter of
The United States, Libellants
vs
84 Boxes of Sugar -
Just & Clark Claimants -

On motion of Claimants
for a mandamus vs
N. Mayer in behalf of the
Claimants having filed and
read in open court the fol-
lowing agreement in writing

The United States vs Eighty four Boxes of Sugar
Supreme Court of the United States January Term 1833 -
It is agreed that if the Court shall be of opinion that
the mandamus prayed in this case ought to be granted
or if this court shall be of opinion that it may have
cognizance of the case on appeal, it may proceed to
determine the case on its merits to every effect as if the
transcript now here were transmitted under appeal
and as if the appeal had been granted and duly taken in
the Court below and had been docketed in this court ac-
cording to the rules of court within the first six days of the
present term. R. B. Taney. Atty Gen'l - Charles N. Mayer
Atty for Claimants" now have moved the Court to order
the Clerk to docket the cause as if the appeal had been
granted and duly taken in the Court below. To which
Mr. Attorney General in behalf of the United States

ordered by the Court that the Clerk docket this cause as if the Transcript of the record now here had been transmitted upon appeal and as if the appeal had been granted and duly taken in the Court below and had been docketed in this court within the first six days of the present term and the same is accordingly hereby docketed nunc pro tunc. — P. Mc Kn. Thos. Marshall

William Tufts and Nathaniel Clark Jr. Claimants of 84 Boxes of Sugar — Appts
vs
The United States

Appeal from the District Court of the United States for the Eastern District of Louisiana. —

108. This cause came on to be heard on the Transcript of the record from the District Court of the United States for the Eastern District of Louisiana and was argued by Counsel, On consideration whereof It is ordered adjudged and decreed by this Court that the decree of the said District Court in this cause be and the same is hereby reversed — And it is further ordered and decreed by this court that this cause be and the same is hereby remanded to the said District Court with directions to that Court to enter a decree that the proceeds of these Sugars be restored to the claimants if the duties shall have been paid, and if they shall not have been paid, then that the restoration be of the balance of the proceeds

Wednesday February 20 1833 Continued. –

Court being of opinion that there was probable cause of pleasure, direct the fact to be certified

(Ps. Mr Chs. Mc Lean"

Ex parte Tobias Watkins. On petition for a writ of Habeas Corpus. — —

On consideration of the motion made in this case yesterday by Mr. Brent of counsel for the petitioner for a rule to be served on the Attorney General of the United States commanding him to be and appear before this Court to shew cause if any he have, why this court should not award a writ of Habeas Corpus directed to the Marshal of the United States for the District of Columbia commanding him to have before this Court the body of Tobias Watkins the petitioner now at present to be detained in the prison of the County of Washington in said District together with the day and cause of his being so detained &c. It is now here considered and ordered by this court that the rule prayed for be and the same is hereby granted returnable to next Saturday the twenty third day of February of the present term of this Court –

(Ps. Mr Chs. Marshall"

No. 1 A. Bathurst. 1814

vs

George Boutwell adms. de bonis non of Thaddeus Kosciusko

The argument of this cause was commenced by Mr Swan for the Appellant & continued by Mr Dunlop for the Appellee –

The cause being made the Court is adjourned until tomorrow

Thursday February 21 1833 . . .

Pursuant to adjournment the Court met this morning at the Capitol –

Present

The Honorable John Marshall Chief Justice
William Johnson
Gabriel Duvall
The Hon'ble Joseph Story Associate Justices
Smith Thompson
John McLean
Henry Ashton Esquire Marshal
William Thomas Carroll Esq'r Clerk

Proclamation being made the Court is opened

No. 54. H. & A. Gaither vs. George Bomford admr &c of Thaddeus Kosciusko — Appls vs — The argument of this cause was continued by Mr Wirt for the Appellees and concluded by Mr Swann for the Appellant

No. 46. George Marriott Jr. Appellant vs Josiah Harmon's heirs — The argument of this cause was commenced by Mr Ewing for the Plaintiff's in error.

Proclamation being made the Court is adjourned until to morrow morning at eleven o'clock.

1833

Friday February 22 1833

Pursuant to Adjournment the Court met this morning at the Capitol

Present

The Honorable John Marshall Chief Justice
William Johnson
Gabriel Duvall
The Hon'ble Joseph Story Associate Justices
Smith Thompson
John McLean
Henry Ashton Esquire Marshal
William Thomas Carroll Clerk

Proclamation being made the Court is opened

On motion first made to the Court in this behalf by Mr Peters - It is ordered by the Court that Mathias Morris Esquire of the State of Pennsylvania be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly

Sidney Gregg by N. B. Craigie vs. Plff in Er.
Jesse of Gabriel Duvall Deceased

On motion of Mr Chilton of Counsel for the Plaintiff in Error and by consent of Mr Fitzhugh of counsel for the defendant in Error. It is ordered by the Court that this cause be continued to the next term of this Court. -

Friday February 22 1833 Continued.

87. William Robinson Jr. ... pff in Er. vs James Fergusson Def.t ... On motion of Mr Wallis of counsel for the Plaintiff in Error and by consent of Mr Fullerton of counsel for the defendants in Error - It is ordered by the Court that this cause be and the same is hereby continued to the next term of this Court

40. The United States pff in Er. vs George Macdaniel ... In Error to the Circuit Court of the United States for the District of Columbia holden in and for the County of Washington - This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of Columbia holden in and for the County of Washington and was argued by counsel; On consideration whereof, It is ordered and adjudged by this Court that the Judgment of the said Circuit Court in this cause be and the same is hereby affirmed - "P. Mc Pher. Mr Dan"

39. The United States pff in Er. vs Thomas Tillotson ... In Error to the Circuit Court of the United States for the District of Columbia holden in and for the County of Washington - This cause came on to be heard on the transcript of the record from the said Court of the United States for the District of Columbia holden in and for the County of Washington and was argued by

Friday February 22 1833 Continued.

adjudged by this Court that the Judgment of the said Circuit Court in this cause be and the same is hereby affirmed — "Pr. M. Jus: Thompson"

The President and Directors of the Union Bank of George Town. Plff in Er.
47 vs
George B Magruder

In Error to the Circuit Court of the United States for the District of Columbia holden in and for the County of Washington.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of Columbia holden in and for the County of Washington and was argued by counsel; On consideration whereof It is ordered and adjudged by this Court that the Judgment of the said Circuit Court in this cause be and the same is hereby affirmed with costs. — "Pr. M. Jus: Story"

George Morrow and Plff in Er. The argument of this cause was
48 vs continued by Mr Ewing for the
Lessee of Enoch Hermansheis. Plaintiff in Error, by Mr Cranch for the defendants in Error and concluded by Mr Ewing for the Plaintiff in Error. —

Proclamation being made the Court is adjourned until tomorrow morning at eleven Oclock. —

Saturday February 23 1833

Pursuant to adjournment the Court met this morning at the Capitol

Present

The Honorable John Marshall Chief Justice
William Johnson
Gabriel Duvall
The Honble Joseph Story Associate Justices
Smith Thompson
John McLean
Henry Ashton Rogers Marshal
William Thomas Carroll Clerk

Proclamation being made the Court is opened -

71. The Farmers Bank of Alexandria Appeal from the
vs Appellees Circuit Court of
John Hoff et al the United States
for the District of
Columbia holden in and for the County of
Alexandria - Mr Fendall of counsel for the
Appellees moved the Court to grant a rule to be
issued on the appellants commanding them to
appear in this Court on Saturday next which will
be the second day of March by attorney to shew
cause why the appeal in this case should not be
dismissed, for defect of jurisdiction, it appearing that
the sum in controversy falls short of the amount
required by law to give jurisdiction to this court.

Saturday February 23d 1833 Continued

of the United States for the District of Columbia. On consideration whereof. It is ordered by the Court that a rule be and the same is hereby granted, to be served on the appellants returnable on Saturday next commanding them to appear in this Court on Saturday the second day of March next, to shew cause, if any they have, why this appeal from the Circuit Court of the United States for the District of Columbia holden in and for the County of Alexandria should not be dismissed for want of jurisdiction on the ground that the sum in matter in controversy do not exceed the sum of One thousand dollars. — Pr. W. Ch. Jos. Marshall

William Yeaton &c Appellants
vs
David Deas &c Appellees

Appeal from the Circuit Court of the United States for the District of Columbia holden in and for the County of Alexandria. —

73.

Mr. Key of counsel for the appellees now here moved the Court to grant a rule to be served on the appellants commanding them to be and appear in this Court on Saturday next which will be the second day of March, by Attorney and shew cause if any they have why this appeal from the Circuit Court of the United States for the District of Columbia holden in and for the County of Alexandria should not be dismissed on the ground that no proceedings have been had in this cause in the said Circuit Court since this appeal was docketed and dismissed as to the appellants of the Circuit below by this Court at its last January Term. On consideration

the same is hereby granted to be served on the appellants, returnable on Saturday next, commanding them to appear in this Court on Saturday the second day of March next to shew cause if any they have why the appeal should not be dismissed on the ground that said appeal was at the last June term of this Court docketed on the certificate of the clerk of the said Circuit Court and thereupon dismissed under and in pursuance of the thirtieth rule of this court.

By Mr. Ch. Jus. Marshall

No. 6. Ex parte. Tobias Watkins — In the Matter of the Petition for a writ of Habeas Corpus —

U. S. Key in behalf of the United States moved for a rule to shew cause in discharge of the rule which was supported in argument by Mr. Brent in behalf of the relator.

Proclamation being made the court is adjourned until Monday morning at eleven o'clock.

Monday February 25 1833.

(pursuant to adjournment the Court met this morning at the Capitol

Present

The Honorable John Marshall Chief Justice
William Johnson
Gabriel Duvall
The Honble Joseph Story Associate Justices.
Smith Thompson
John McLean
Henry Ashton Esquire Marshal
William Thomas Carroll Clerk

(proclamation being made the Court is opened. –

James W. Bradlow and William D. Robertson — 26. D. Cliffe in Er: Theodore Nicolet and J. L. Sigg, trading under the firm of Theodore Nicolet & Co

In Error to the District Court of the United States for the Eastern District of Louisiana. –

This cause came on to be heard on the transcript of the record from the District Court of the United States for the Eastern District of Louisiana and was argued by counsel; On consideration whereof It is ordered and adjudged by this court that the Judgment of the said District Court in this cause be and the same is hereby affirmed with costs and damages at the rate of six per centum per annum. –

Jno. Mc Ch. Jno. Marshall"

Richard Smith a citizen of the State of Louisiana, Legatee of Edward Livingston and also Legatee of John Nicholson, James Nicholson, George W. Morgan, and Sarah his wife in right of said Sarah Duncan Hennen, an infant by Alfred Hennen his next friend, and Hannah Nicholson an infant by the said John Nicholson her next friend all citizens of the State of Louisiana Appellees &c.

28. vs

John Moore, John S. Mahon, Barnet Singhenbaugh, David Reynolds and M. Williams Scott, citizens of the State of Pennsylvania. — Appeal in Error.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of Pennsylvania and was argued by counsel, thereupon consideration whereof, It is ordered and adjudged by this Court that the Judgment of the said Circuit Court in this cause be and the same is hereby affirmed with costs. — "Jas. M. Mason Johnson"

Abraham Shaw Pub. Appellee
vs
James & Richard Smith

On motion of the Counsel of counsel for the Appellee Ordered It is ordered by the Court that this cause be and the same is hereby continued to the next term of this Court. —

Monday February 25 1833 Continued —

85. The Bank of the United States Plff in Er. vs Andrew Donally — Mr Ewing of counsel for the Defendant in Error having suggested to the Court that Mr Doddridge who was the counsel originally engaged in this cause having reported this life and that he had only been employed since the present Session of this Court and was not prepared for the case at the present term, moved the Court to continue this cause to the next term of this Court which was opposed by Mr Harden of counsel for the plaintiff in Error who stated to the court that he had come specially to argue this cause and was ready so to do — Whereupon It is now here ordered by the Court that said motion be and the same is hereby overruled —

32. Wm Williams Ning Appt vs James White — On motion of Mr Innes of counsel for the appellee and by consent of Mr Johnson of counsel for the Appellant It is ordered by the Court that this cause be peremptorily set down for argument on Tuesday next the fifth day of March next —

11. Charlestown Bridge vs Pltff in Er Warren Bridge et al — Mr Sutton of counsel for the plaintiff in Error moved the Court for leave to reargue this cause and to assign a day certain for the same — Whereupon this Court not being now sufficiently advised of and concerning what order to make in the premises

Monday February 25 1833 Continued —

63. Bernardo Sampayac &c vs The United States — Mr Attorney General on the part of the Appellee moved the Court to fix a day certain for the argument of this cause to which Mr Pentlys of counsel for the Appellants assented. Whereupon the Court not being now here sufficiently advised of and concerning what order to make in the premises doth hereby order that the consideration of said motion be first postponed for advisement. —

No 6 — Ex parte Tobias Watkins on petition for writ of Habeas corpus. — — The argument in support of the rule and in behalf of the relator was continued by Mr Coyle, and by Mr Attorney General in discharge of the rule. —

(Proclamation being made the Court is adjourned until tomorrow morning at eleven oclock —

1833.

Tuesday February 26 1833

Pursuant to adjournment the Court met this morning at the Capitol.

Present

The Honorable John Marshall Chief Justice
William Johnson
Gabriel Duvall
The Honble Joseph Story Associate Justices
Smith Thompson
John McLean
Henry Dilton Esquire Marshal
William Thomas Carroll Clerk

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr Coffin. It is ordered that Lucius Le Roy Esquire of the Territory of Michigan be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr Key It is ordered that John Mackay Esquire of the District of Columbia be admitted to practice as an attorney and counsellor of this court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr Key It is ordered that Thomas Douglas Esquire of the Territory of Florida be admitted to practice as an attorney and counsellor of this

Tuesday February 26 1833 Continued

31. The United States — vs — Pliff in Er. & Granger & Wm. Kipley — This Cause came on to be heard on the transcript of the record from the District Court of the United States for the Eastern District of Louisiana and was argued by Counsel, On consideration whereof, It is the opinion of this Court that the said District Court erred in their instructions to the Jury — Whereupon it is ordered and adjudged by this Court that the Judgment of the said District Court in this cause be and the same is hereby reversed and that this cause be and the same is hereby remanded to the said District Court with directions to award a venire facias de novo. — "Js. M. Js. M'Lean"

11. Charles River Bridge — vs — Pliff in Er. & Warren Bridge def — On consideration of the motion made in this cause yesterday by Mr Dallas — It is now here ordered by the Court that this cause be and the same is hereby set for re-argument

63. Bernardo Sampayac def — vs — Appellt. & The United States — On consideration of the motion made in this cause yesterday by Mr Atty Genl. It is now here ordered by the court that said motion be and the same is hereby

1833.

Tuesday February 26 1833. Continued.

No. 6	Ex parte: Tobias Watkins	Mr Attorney General concluded
	on petition for a writ of	his argument in opposition
	Habeas Corpus ~~	to the rule granted in this case.

	James S. Douglass & al	The argument of this cause
45.	vs Jeffries.	was commenced by Mr Jones
	James M Reynolds &al	for the plaintiffs in Error

(Proclamation being) made the Court is adjourned until tomorrow morning at eleven Oclock ~

Wednesday February 27th 1833 –

Pursuant to adjournment the Court met this morning at the Capitol.

Present

The Honorable — John Marshall Chief Justice
William Johnson
Gabriel Duvall
The Hon.ble Joseph Story Associate Justices
Smith Thompson
John McLean
Henry Ashton Esquire Marshal
William Thomas Carroll Clerk.

Proclamation being made the Court is opened.

The motion first made to the Court in this behalf by Mr Key. It is ordered that James A Stewart Esqr of the State of Maryland be admitted to practice as an attorney and counsellor of this Court and he was present accordingly. –

The State of Rhode Island &c — Bill in Equity –
vs
The State of Massachusetts — Mr Phillips solicitor for the complainant having renewed his motion of last term in this case, prayed the court to award such process and such rule as the court may deem proper whereupon the court not being now sufficiently advised of and concerning what order to render in the premises hereby

Wednesday February 27 1833 Continued.

James S. Vaughan vs.		The argument of this cause
45.	"	was continued by Mr. Jones
James M. Reynolds vs.		for the plaintiff in Error
		and by Mr. Key for the
		Defendant in Error.

Barnabas Simpson vs.		The argument of this cause
63.	"	was commenced by Mr.
The United States		Swift for the Appellants.

Proclamation being made the Court is adjourned until tomorrow morning at eleven o'clock.

Thursday February 28 1833.—

Pursuant to adjournment the Court met this morning at the Capitol

Present

The Honorable John Marshall Chief Justice
William Johnson
Gabriel Duvall
Joseph Story Associate
Smith Thompson Justices
John McLean
Henry Ashton Esquire Marshal
William Thomas Carroll Clerk

Proclamation being made the Court is opened.—

On motion first made to the Court in this behalf by Mr Clay Mr Samuel Hall William Esquire of the State of Pennsylvania be admitted to practice as an Attorney and Counsellor of this Court and he was sworn accordingly.—

Ex parte: James Mandrazo—

On consideration of the motion made in this cause by Mr White of counsel for Mandrazo for process against the State of Georgia It is the opinion of this court that the case is not a case where the property is in custody of a court of Admiralty as brought within its jurisdiction and in the possession of any private person—This not

Thursday February 28 1833 Continued –

It is a mere personal suit against a State to recover proceeds in its possession, and in such a case no private person has a right to commence an original suit in this court against a State – Whereupon, It is ordered by this court that said motion be and the same is hereby overruled. – "Pt. Mr. Ch. Jus. Marshall"

"Bernardo Lamperyere &al. vs Appts.
63. The United States –

The argument of this cause was continued by Mr Fullen for the Appellees

Proclamation being made the Court is adjourned until tomorrow morning at eleven oclock. –

Friday March 1 1833.

Pursuant to adjournment the Court met this morning at the Capitol.

Present

The Honorable John Marshall Chief Justice
William Johnson
Gabriel Duvall
The Hon'ble Joseph Story Associate Justices
Smith Thompson
John McLean
Henry Baldwin Circuit Justice
William Thomas Carroll Clerk

Proclamation being made the Court is opened.

Walter Thrasher Appellant
vs
Francis West & John Lispenard Samuel Ruffin & Henry Nixon Trustees of said West & Thomas Willing and Henry Nixon, Executors of John Nixon dec'd

Appeal from the Circuit Court of the United States for the District of Kentucky.

This cause came on to be heard on the transcript of the record of the Circuit court

4

of the United States for the Seventh Circuit and District of Kentucky, and was argued by counsel, on consideration whereof this court is of opinion that there is error in the decree of the said Circuit Court in allowing to the said Walter Thrasher credit for the money paid by him as special bail for Francis

Friday. March 1 1833 Continued

refusing to allow the said M'Allen Brashear credit for the value of the Ginseng shipped and sold by the said James Palmer with the assent of the assignees of Francis M'Vest after the same had been attached in his hands by the said assignees. It is therefore decreed and ordered that the decree pronounced in this cause by the court of the United States for the seventh circuit in the District of Kentucky be reversed and annulled and that the cause be remanded to that court with instructions to perpetuate the injunction as to the sum which shall be equal to the amount of the Ginseng shipped and sold by the said James Palmer after the attachment sued out by Francis West for the use of Samuel Mifflin & Thos Lapsley and Henry Nixon assignees for the benefit of his creditors, was levied, and to dismiss the bill as to the residue - and it is further ordered that the parties pay their own costs in this Court. - Ch. J. Mr. Ch. Jus. Marshall delivered

Francis M'Vest & Thos Lapsley, Samuel Mifflin & Henry Nixon Trustees of said M'Vest & Thomas M. Willing and Henry Nixon Executors of John Nixon and

vs

M'Allen Brashear

Appeal from the Circuit Court of the United States for the District of Kentucky.

This cause came on to be heard on the transcript of the record of the Circuit Court of the United States for the seventh Circuit and District of Kentucky and was argued by counsel, on consideration whereof this court is of opinion that there is error in the decree of the said Circuit Court in al-

Friday March 1 1833 Continued —

paid by him as special bail for Francis West at the suit of George Shannon and also in refusing to allow the said Walter Brashear credit for the value of the Ginseng shipped and sold by the said James Latimer with the assent of the assignees of Francis West after the same had been attached in his hands by the said assignees. It is therefore decreed and ordered that the decree pronounced in this cause by the Court of the United States for the seventh Circuit in the District of Kentucky be reversed and annulled and that the cause be remanded to that court with instructions to perpetuate the injunction as to the sum which shall be equal to the amount of the Ginseng shipped and sold by the said James Latimer after the attachment issued out by Francis West for the use of Samuel Griffin John Sapington and Henry Nixon assignees to the benefit of his creditors was levied, and to dismiss the bill as to the residue. and it is further ordered that the parties pay their own costs in this court. — "J. M. Ch: Jus. Marshall"

No 6. Ex parte: Tobias Watkins on Petition for a writ of Habeas Corpus. —

On consideration whereof the rule granted in this cause in behalf of the relator on a prior day of the present term of this court to shew cause on Wednesday the 30th ultimo commanding the Attorney General to shew cause why this court should not award a writ of Habeas Corpus directed to the Marshal of the United States for the

Friday March 1 1833. Continued. –

this Court the body of Robins Watkins the Petitioner said to be detained in the prison of the County of Washington in said District together with the day and cause of his caption and detention &c. and of the arguments of Counsel thereupon had, this Court being equally divided in opinion as to the question whether this court ought to award a writ of Habeas Corpus as prayed for in this case by the Petitioner – It is now here ordered and adjudged by this court that the said rule be and the same is hereby discharged, and that the prayer of the petitioner be refused. –

"Fr. N. Ch: Jus. Marshall"

Bernardo Tampeyan &c
13 " " Appts.
The United States –

The argument of this cause was commenced by Mr. Swartwout and Attorney General for the Appellants and concluded by Mr. White for the Appellants. –

P. F. Chouteau's Heirs
41 " " Appts.
The United States –

The argument of this cause was commenced by Mr. Attorney General for the appellees

No other business being made the Court is adjourned until tomorrow morning at eleven o'clock. –

Saturday March 2 1833

Pursuant to adjournment the Court met this morning at the Capitol

Present

The Honorable John Marshall Chief Justice
William Johnson
Gabriel Duvall
The Honble Joseph Story Associate Justices
Smith Thompson
John McLean
Henry Ashton Esquire Marshal
William Thomas Carroll Clerk

Proclamation being made the Court is opened

On motion first made to the Court in this behalf by Mr Peters It is ordered that John Adams Dix Esquire of the State of New York be admitted to practice as an Attorney and Counsellor of this Court and is now sworn accordingly

The State of Rhode Island Complt
vs
The Commonwealth of Massachusetts Defendt

On consideration of the motion made in this case on a prior day of the present term of this court Court on Wednesday the 27th February It is now here ordered by the court that process of subpoena be and the same is hereby

1903

Saturday - March 2d 1833 Continued -

and that said process issue against the Commonwealth of Massachusetts. —

"Jos. M. Ch: Jus. Marshall"

78. The Scott & wife vs Thos. Exrs & Devisees of Marlen Pickell, dec'd vs Plffs in Er. Samuel Fogerwood William Mitchell, William Henderson, Hugh Henderry & the Grantees — In Error to the Circuit Court of the United States for the District of Kentucky

On consideration of the motion made in this cause on a prior day of the present term of this court, touch the Saturday the 16th day of February by Mr. Loughborough of counsel for the defendants in Error to dismiss this writ of error to the Circuit Court of the United States for the District of Kentucky and of the arguments of counsel thereupon had, as well for the Plaintiffs in Error as for the defendants in error after mature deliberation. It is now here ordered and adjudged by this court that this writ of error to the said Circuit Court be and the same is hereby dismissed with costs.

"Jos. M. Jus. Johnson"

93. Martha Bradstreet — In the matter of Martha Bradstreet vs. Stoller Cooper & al Tenants. On motion for a rule on the District Judge of the United States for the Northern District of New York, to show cause &c — —

Mr. Boundley having filed and read in open court the return of his Honor Alfred Conkling District Judge of the United States for the Northern District of New York to the rule granted in this cause at the last term of this court and made return

Saturday March 2d 1833 Continued

second monday of January 1833 now proceeded to shew cause why the said rule should be discharged

	Williams Yeaton vs.	The rule granted on this
73	vs Appellt	cause in a like way of
	David Leary vs.	the present term of this court
		Court, On Saturday the 23d

day of February and returnable this day, was argued by Messrs Neale & Swann against the rule and by Mr Cox in support of the same. –

	The Farmers Bank of Alexandria	On motion of Mr Dee, it
71	vs Appellt	is ordered that the argu-
	John Hoff vs.	ment of the rule in this
		cause be and the same

is hereby postponed to Saturday next

	P. F. Dubourg's heirs Appellt	This cause was argued
41	vs	by Mr Attorney General
	The United States.	on behalf of the Appellees
		and submitted to the Court

on the part of the appellants upon a printed argument. –

	Jacob Mumma Appellt &c.	On motion of Mr Key of counsel for
49	vs	the Plaintiff in error this ordered by the
	The Potomac Company	Court that this cause be postponed for the present.

Proclamation being made the Court is adjourned until

Monday March 4 1833

Pursuant to adjournment the Court met this morning at the Capitol

Present

The Honorable John Marshall Chief Justice
William Thomas
Gabriel Duvall
The Honble Joseph Story Associate Justices
Smith Thompson
John McLean
Henry Baldwin
Henry Ashton Esquire Marshal
William Thomas Carroll Clerk

Proclamation being made the court is opened.

On motion first made to the Court in this behalf by Mr White. It is ordered that George P. Hawkins Esquire of the Territory of Florida be admitted to practice as an attorney and counsellor of this court and he was sworn accordingly.

De Hauen Goelet et al Appeals
vs Appeal from the Circuit
David Lenox & others Court of the United States
for the District of Columbia
holden in and for the County
of Alexandria

On consideration of the rule granted in this cause on a prior day of the present term of this court, to wit, on Saturday

Monday March 4. 1833. Continued

for the appellants as for the appellees thereupon had after mature deliberation. It is the opinion of this court that the record is brought up irregularly and that this appeal should be dismissed. Whereupon, it is ordered and decreed by this court that this appeal be and the same is hereby dismissed with costs.

Jr. M.C. ch: Jus: Marshall

Proclamation being made the Court is adjourned until tomorrow morning at eleven oclock. —

1833.

Tuesday March 5th 1833.

Pursuant to adjournment the Court met this morning at the Capitol

Present

The Honorable John Marshall Chief Justice
William Johnson
Gabriel Duvall
The Honble Joseph Story Associate Justices
Smith Thompson
John McLean
Henry Ashton Esquire Marshal
William Thomas Carroll Clerk

Proclamation being made the Court is opened

On motion first made to the Court in this behalf by Mr Jones It is ordered that Chapman Johnson Esquire of the State of Virginia be admitted to practice as an attorney and counsellor of this court and he was thereon accordingly —

46 George Morris and Edward Seymour Pltffs in Er:
vs
The Lessee of Jacob Harmon's Heirs —

In Error to the Circuit Court of the United States for the District of Ohio —
This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of Ohio and was argued by counsel On consideration whereof it is ordered and adjudged by this court that the judgment of the said Circuit Court in this be and the same

Tuesday March 5th 1833 Continued

Charles Vallier . . . . Appellant

against

Thomas T. Hinde and James B. Hinde . Martha H. Hinde and John M. Hinde, children and heirs at law of Belinda Hinde dec'd wife of the said Thomas T. Hinde, who are infants by the said Thomas their next friend . . . . Appellees

Appeal from the Circuit Court of the United States for the District of Ohio.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of Ohio and was argued by counsel; On consideration whereof this court is of opinion that to entitle themselves to the decree which was pronounced in their favor the Plaintiffs in the circuit court ought to have stated their case truly in their bill as it now appears on the record and that after the amended answer was filed shewing the deed from Thomas T. Hinde and Belinda his wife to Sherman Conkling the Plaintiffs ought to have obtained leave to amend their bill so as to introduce into it the reconveyance from Sherman Conkling to Thomas T. Hinde on the trusts agreed on between the parties instead of alleging this new matter in their replication. This court is further of opinion that the Circuit Court ought not to have pronounced its decree, and that for this cause, the decree ought to be reversed and is hereby reversed so far as it directs a conveyance to be made

Tuesday . March 3d 1833. Continued

by the Appellant Charles Vattier and the cause is remanded to the Circuit Court with directions to permit the Plaintiffs to amend their bill. —

"Jas. M. Ch Jus. Marshall"

William Ring Appt. The argument of this
22. vs cause was commenced by
James White — — Mr. Johnson for the Appellant. —

proclamation being made the Court is adjourned until tomorrow morning at eleven oclock. —

Wednesday March 6 1833.

Pursuant to adjournment the Court met this morning at the Capitol.

Present

The Honorable John Marshall Chief Justice
William Johnson
Gabriel Duvall
The Hon[ble] Joseph Story Associate Justices
Smith Thompson
John McLean
Henry Ashton Esquire Marshal
William Thomas Carroll, Clerk.

Proclamation being made the Court is opened.

The motion first made to the Court in this behalf by Mr Webster was moved that Myers P Oakley Esquire of the State of New York be admitted to practice as an Attorney and counsellor of this Court and he was sworn accordingly.

63. Bernardo Pamperyac and Joseph Flamet appts vs The United States — Appeals from the Superior Court for the Territory of Arkansas. This cause came on to be heard on the transcript of the record from the Superior Court for the Territory of Arkansas and was argued by counsel, on consideration whereof It is decreed and adjudged by this Court that the

Wednesday March 6 1833 Continued

Appellees Capt Augustus Estho, Catharine Estho wife of Thaddeus Estho dec'd and Romanus Estho, and Martinia Estho and Louisa Estho, Children of the said Thaddeus and Catharine his wife — Appellants

vs

George Bomford, admr de bonis non of Thaddeus Kosciuszko deceased — Appellee

Appeal from the Circuit Court of the United States for the District of Columbia holden in and for the County of Washington

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of Columbia holden in and for the County of Washington and was argued by Counsel On consideration whereof, It is the opinion of this Court that the cause was not properly prepared for a decision — Whereupon, It is decreed and ordered by this Court that the decree of the said Circuit Court in this cause be and the same is hereby reversed and that this cause be and the same is hereby remanded to the said Circuit Court with directions to that Court to permit the complainants to amend their Bill — Ths M. Ch: Jno. Marshall

111

The Heirs of Pierre Francois Dubourg de St Colombe — Appellants

vs

The United States — Appellees

Appeal from the District Court of the United States for the Eastern District of Louisiana

This cause came on to be heard on the transcript of the record from the District Court of the

Wednesday March 6 1833 Continued

was argued by counsel, On consideration whereof, It is the opinion of this Court that a compleat and intricate account is an unfit subject for examination in Court, and ought always to be referred to a Commissioner to be examined by him and reported, in order to a final decree. To such report the parties may take any exceptions and thus bring any question they may think proper before the Court. Whereupon, It is decreed and ordered, that the decree of the said District Court in this cause be and the same is hereby reversed, and that this cause be and the same is hereby remanded to the said District Court of the United States for the Eastern District of Louisiana with directions to that court, to refer the account to a commissioner with instructions to settle and report the amount of the estate at the death of the wife in order to a final decree, and to state such matters specially as he may think necessary or as either party may require.

"P. V. Ch. Jus. Marshall"

Joshua Shaw plff in Er. vs Joseph Cooper — 32. This cause was submitted to the consideration of the Court by counsel of both plaintiff and defendant in Error, on printed arguments. —

James L. Douglass et al vs James M. Reynolds et al — 45. the argument of this cause was concluded by A. W. Jones for the plaintiffs in Error —

Wednesday March 6 1833 Continued

William King	Appl	The argument of this
22	vs	cause was continued
James White		by Mr. Johnson for the
		Appellant. —

(Mr. Cranch being present the Court is adjourned until to-morrow morning at eleven o'clock. —

Thursday March 7 1833.

Pursuant to adjournment the Court met this morning at the Capitol.

Present

The Honorable John Marshall Chief Justice
William Johnson
Gabriel Duvall
The Hon.ble Joseph Story
Smith Thompson
John McLean
Henry Ashton Esquire Marshal
William Thomas Carroll Clerk

Proclamation being made the Court is opened

81. George H Briscoe Plff in Er. vs The Bank of the Commonwealth of Kentucky — Messrs White & Wilde of Counsel for the plaintiffs in Error moved leave to submit this case to the consideration of the Court upon a printed argument, the consideration whereof. It is ordered by the Court that leave be and the same is hereby granted to said counsel to submit the case as prayed for.

22. William King Appellant vs James White — The argument of this cause was continued by Mr Johnson for the Appellant.

Proclamation being made the Court is adjourned until

Friday March 8 1833

Pursuant to adjournment the Court met this morning at the Capitol

Present

The Honorable John Marshall Chief Justice
William Johnson
Gabriel Duvall
The Hon^ble Joseph Story Associate Justices
Smith Thompson
John McLean
Henry Ashton Esquire Marshal
William Thomas Carroll Clerk

Proclamation being made the Court is opened. —

On motion first made to the Court in this behalf by Mr. Peters. It is ordered that Henry King Esquire of the State of Pennsylvania be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly. —

81. George H. Bruce et al Appellants. vs. Bank of the Commonwealth of Kentucky — Appellee. — On motion of Messrs Bibb and Hardin of counsel for the defendant in Error — It is ordered by the Court that said counsel have leave to submit this cause to the consideration of the court on printed arguments in behalf of the defendant in Error and the same was submitted accordingly. —

Friday. March 8 1833. Continued

William King. Appll
vs
James White

On motion of Mr Webster
suggesting the indisposition
of his associate counsel Gen.l
Jones, and his inability to proceed
in the argument of this cause this day. It is ordered
by the court that this cause lie over till tomorrow.

22.

Samuel Reynolds & others
Sp.ffigners of Henry. Orth. Sp.ff.
vs
Nancy Dalzell, widow & Admx &
M.c Kinney & Dicks Alexander
Executors of the last Will and
Testament of Francis Dalzell and

Appeal from the Circuit
Court of the United States
for the District of East
Tennessee.
Mr White of counsel
for the Appellees in
this cause having filed
and moved in open court

114.

the Certificate under seal of the Clerk of the Circuit Court of the United States for the District of East Tennessee in the following words, viz. "The United States of America Seventh Circuit and District of East Tennessee October Term 1832. Samuel Reynolds & others Sp.ffigners of Henry Orth vs Nancy Dalzell widow and Admx & A. McKinney & Dicks Alexander Executors of the last will and Testament of Francis Dalzell dec.d I William C. Mynatt, Clerk of the Circuit Court of the United States for the Seventh Circuit and District of East Tennessee do certify that the above named cause of Samuel Reynolds and others Sp.ffigners of Henry Orth against Nancy Dalzell widow and Admx & A. McKinney & Dicks Alexander Executors of the last will

Friday - March 8 1833 Continued. -

determined at the October Term of said Circuit Court in the year one thousand eight hundred and twenty seven and at which term the following decree was made, to wit, Samuel Reynolds & others complainants of Henry Oldham Nancy Dalzell widow and John A. McKinney and Hicks Alexander Executors of the last will and Testament of Frances Dalzell dec'd. This cause was heard upon the Bill, answers, exhibits and depositions and was argued by counsel and the court being now advised do order and decree that the Bill of Complainants be dismissed without prejudice to any other suit at law or in equity - and it is further decreed that the Complainants pay to the defendants their costs expended in the defence of this suit, and that the defendant may have execution for the same". - From which decree the complainants prayed for and obtained an appeal, and the case is in the words and figures following to wit Samuel Reynolds & others complainants vs. Mrs. Nancy Dalzell & others. The complainants in this cause prayed an appeal to the Supreme Court of the United States which was allowed - Whereupon the Complainants together with Enoch Peck their security entered into bond in the sum of Five Hundred dollars conditioned well & truly to prosecute said appeal & to pay and satisfy the costs of the same - And I do further certify that said Complainants have not carried up said appeal to the said Supreme Court. In Testimony Whereof I the said William B Mylatt Clerk of the said Circuit Court of the United States in the Seventh Circuit and District of

affixed the seal of office at office in Knoxville this
13th day of October 1832. W. C. Mynatt Clerk"
Now here moved the Court under and in pursu-
ance of the thirtieth rule of this Court to have this
cause docketed and dismissed. On consideration
whereof, It is ordered and decreed by this Court that
this appeal from the Circuit Court of the United
States for the District of East Tennessee be and the
same is hereby docketed and dismissed -
"Jno. M. Ch. Jno: Marshall"

Proclamation being made the Court is adjourned
until tomorrow morning at eleven oclock. —

Saturday March 9 1833.

Pursuant to adjournment the court met this morning at the Capitol.

Present

The Honorable John Marshall Chief Justice
William Johnson
Gabriel Duvall
The Hon'ble Joseph Story Associate Justices
Smith Thompson
John McLean
Henry Baldwin Dominic Marshal
William Thomas Carroll Clerk

Proclamation being made the Court is opened.

71. Farmers Bank of Alexandria pltff in Error vs John Hoffman defendant

The rule granted in this cause on a previous day of the present term of this court, to wit on Saturday the 23d of February was this day argued by Mr Lee against the rule and by Mr Fendall in support of the same.

The United States pltff in Error vs John B. Mills

This cause was argued by Mr Attorney General for the plaintiff.

43 John Minor pltff in Error vs Thubal Tillotson

Mr Clay of counsel for the plaintiff in Error moving suggested on the record the

plaintiff in Error serves the last continuance of the cause and filed the appearance of his heir and devisee now here moved the Court for leave to William John Minor heir and devisee of the said John Minor deceased to become a party to this writ of error with liberty to prosecute the same. On consideration whereof It is now here ordered by the Court that the said William John Minor heir and devisee of the said John Minor deceased be and he is hereby made a party to this writ of error to the District Court of the United States for the Eastern District of Louisiana with leave to prosecute the same -

William John Minor, heir & devisee of John Minor dec'd		The argument of this cause was commenced by Mr.
43.	Pltff in Er	Clay for the Pltff in Er
Thibal	Talbot —	& was continued by Mr Webster for the

defendant in Error and concluded by Mr Clay for the Pltff in Error - -

The United States	Pltff-	This cause was argued by
90.	vs	Mr Attorney General for
Alex	Turner - -	the Pltff - -

Proclamation being made the Court is adjourned until Monday morning at eleven o'clock - -

Monday March 11 1833.-

Pursuant to adjournment the Court met this morning at the Capitol

Present

The Honorable The Marshall Chief Justice
William Johnson
Gabriel Duvall
The Honble Joseph Story Associate Justices
Smith Thompson
John McLean.
Henry Ashton Esquire Marshal
William Thomas Carroll Clerk

Proclamation being made the Court is opened.-

James T. Douglass and John G. Singleton Appellants
vs.
James W. Reynolds, John B. Byrne and William Faraday Merchants trading under the Style and firm of Reynolds Byrne & Company.

In Error to the District Court of the United States for the District of Mississippi

This cause came on to be heard on the transcript of the record from the District Court of the United States for the District of Mississippi and was argued by counsel, on consideration whereof It is the opinion of this court that the court below erred in refusing the second and fourth instructions prayed by the defendants and that for these errors the Judgment must be reversed. Whereupon It is adjudged and ordered by this court that the Judgment of the said

reversed and that this cause be and the same is hereby remanded to the said District Court with directions to award a venire facias de novo

Jno. M. Jas. Story

Rule No 40

Whereas it has been represented to the Court that it would in many cases accommodate counsel and save expense to parties, to submit causes upon printed arguments. It is therefore, ordered that in all cases brought here on appeal, writ of error or otherwise, the court will receive printed arguments, if the counsel on either or both sides choose so to submit the same. —

104. The United States pff in Error vs Samuel Brewster

This cause was argued by Mr. Attorney General for the Plaintiff

22 William King pff in Error vs James White

The argument of this cause was continued by Mr. Jones for the Defendant in Error. —

Proclamation being made the Court is adjourned until tomorrow morning at eleven o'clock. —

Tuesday March 12th 1833

Pursuant to Adjournment the Court met this morning at the Capitol

Present

The Honorable John Marshall Chief Justice
William Johnson
Gabriel Duvall
The Hon'ble Joseph Story Associate Justices
Smith Thompson
John McLean

Henry Ashton Esquire Marshal
William Thomas Carroll Clerk

Proclamation being made the Court is opened

John McKee, a Bignee of Josiah Watson - Plff in Er.
vs
Thomas Hoye & Thomas Butcher Exors of Isaac Nicholls jr.

} In Error to the Circuit Court of the United States for the District of Columbia holden in and for the County of Alexandria.

Mr Swann of counsel for the plaintiff in Error in this cause moved the court to dismiss this writ of error to the Circuit Court of the United States for the District of Columbia holden in and for the County of Alexandria to which Mr Taylor of counsel for the defendants in Error consented. On consideration whereof It is now here ordered and adjudged by this Court that this writ of error to the said Circuit Court be and the same is hereby dismissed out. And it is further ordered by the court that each party pay his own

	William T. Nicholls pff in Er.	In Error to the Circuit
32.	vs	Court of the United States
	Samuel P. Fenwick and	for the District of Colum-
	Joseph N. Fenwick — —	bia Holden in and for
		the County of Washington

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of Columbia Holden in and for the County of Washington and was argued by counsel; On consideration whereof. It is adjudged and ordered by this court that the Judgment of the said Circuit Court in this cause be and the same is hereby reversed and annulled and that this cause be and the same is hereby remanded to the said Circuit Court with directions to award a venire Facias de novo. —

J. M. Jno. Nelson

	Asher Shaw pff in Er.	In Error to the Circuit Court
50	vs	of the United States for the
	Joseph Cooper —	Southern District of New
		York. —

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the Southern District of New York and was argued by counsels, On consideration whereof. It is adjudged and ordered by this court that the Judgment of the said Circuit Court in this cause be and the same is hereby affirmed with costs. — J. M. Jno. McLean

Tuesday March 12 1833 Continued

The United States pff
vs
Thos B. Mills — } On certificate of division in opinion of the Judges of the Circuit Court of the United States for the District of North Carolina.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of North Carolina and on the question and point on which the Judges of the said Circuit Court were opposed in opinion and which was certified to this Court for its opinion agreeably to the act of Congress in such case made and provided, and was argued by counsel; On consideration whereof, It is the opinion of this Court that the indictment in this case sufficiently sets out that the offence had been committed by Straughan the mail carrier; and that no distinct substantive and independent averment of that fact was necessary and that there is no sufficient cause for arresting the Judgment.— Whereupon it is ordered and decreed by this court that it be certified to the said Circuit Court that the indictment in this case sufficiently sets out that the offence had been committed by Straughan the mail carrier, and that no distinct substantive and independent averment of that fact was necessary, and that there is no sufficient cause for arresting the Judgment.—

By M. Mr. Thompson"

Tuesday March 12. 1833 Continued

The United States	}	On certificate of division in
	vs	opinion of the Judges of the
Mc Turner	}	Circuit Court of the United
		States for the District of
		North Carolina.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of North Carolina and on the question and point on which the Judges of the said Circuit Court were opposed in opinion and which was certified to this Court for its opinion agreeably to the act of Congress in such case made and provided, and was argued by counsel; On consideration whereof. It is the opinion of this Court that the attempt to pass the counterfeit bill in the Indictment in the proceedings mentioned under the circumstances in the said certificate of division of opinion mentioned is an offence within the provisions of the act of Congress stated in the same certificate. Whereupon It is adjudged and ordered by this court that it be certified to the said Circuit Court for the District of North Carolina that the attempt to pass the counterfeit bill in the Indictment in the proceedings mentioned under the circumstances in the said certificate of division of opinion mentioned is an offence within the provisions of the act of Congress stated in the same certificate. — "P. V. Thos. Hoyt"

Tuesday March 12 1833 Continued. —

William Yeaton's adm. Appt
vs
David Limoy's adm

Mr Swann of counsel for the appellants in this cause having suggested to the Court that the appellants in this cause contemplate praying a new appeal in this cause and bringing up the cause again now here moved the Court for leave to withdraw from the files of this court the transcript of the record filed in this cause. On consideration whereof. It is now here ordered by the court that leave be and the same is hereby granted to the appellants in this cause to withdraw from the files of this court the transcript of the record filed on this appeal. and it is ordered by the court that the clerk do deliver to the appellants their application said transcript —

"Pr. Mr. Ch. Jno. Marshall"

William King. Appt
vs
James White

The argument of this cause was continued by Mr Jones & Webster for the Appellee. —

Proclamation being made the Court is adjourned until tomorrow morning at eleven oclock. —

Wednesday March 13 1833.

Pursuant to adjournment the Court met this morning at the Capitol -

Present

The Hon'ble John Marshall Chief Justice
William Johnson
Gabriel Duvall
The Hon'ble Joseph Story Associate
Smith Thompson Justices -
John McLean
Henry Baldwin Esqrs Associate
William Thomas Carroll Clerk -

Proclamation being made the Court is opened. -

William the Minor, Heir & Devisee of - John Minor dec'd
vs
Shubal Pillow

In Error to the District Court of the United States for the Eastern District of Louisiana

43

This cause came on to be heard on the transcript of the record from the District Court of the United States for the Eastern District of Louisiana and was argued by counsel, On Consideration whereof. It is ordered and adjudged by this court that the judgment of the said District Court in this cause be and the same is hereby reversed and that this cause be and the same is hereby remanded to the said District Court with directions to award a venire facias de novo -

Wednesday March 13. 1833. Continued

The Farmers Bank of Alexandria — Appl^t
71. vs
Uriah Kroff James Galt & Jno Galt James R. Galt Jacob Galt Jammany Galt Mordecai Miller and James Galt Admr of Mary Kesler —

Ch appeal from the Circuit Court of the United States for the District of Columbia holden in and for the County of Alexandria —

On consideration of the rule granted in this cause on a prior day of the present term of this court, to wit, on Saturday the 23^d of February, and of the arguments of counsel, as well for the appellant as for the appellees, thereupon it is

It appearing to this court that the amount or value of the matter in controversy does not exceed the sum of one thousand dollars — It is therefore ordered and decreed by this Court that this appeal be and the same is hereby dismissed for the want of jurisdiction —

"J^n Mar^l Ch J^s Marshall"

The United States Plff in Error
104. vs
Samuel Brewster alias Samuel B. Brewster —

Ch a certificate of division in opinion of the Judges of the Circuit Court of the United States for the Eastern District of Pennsylvania —

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the Eastern District of Pennsylvania and on the question and point on which the Judges of that court were opposed in opinion and which was certified to this Court for its agreeably to the act of Congress in such case made and

Wednesday March 15. 1833 Continued –

whereof. This court is of opinion that the genuine instrument of which the said false forged and counterfeited instrument in the certificate of discovery is a similation, is not a bill issued by order of the President, Directors and Company of the Bank of the United States according to the true intent and meaning of the eighteenth section of the act of Congress passed on the seventh day of April in the year of our Lord one thousand eight hundred and fifteen, entitled An act to incorporate the Subscribers of the Bank of the United States – Whereupon it is ordered and adjudged by this Court, that it be certified to the said Circuit Court of the District of Pennsylvania that the genuine instrument of which the said false, forged and counterfeited instrument in the certificate of discovery mentioned is a similation is not a bill issued by order of the President Directors and Company of the Bank of the United States according to the true intent and meaning of the eighteenth section of the act of Congress passed on the seventh day of April in the year of our Lord one thousand eight hundred and fifteen, entitled an act to incorporate the subscribers of the Bank of the United States –

To the Circuit Court

Wednesday March 15 1833 Continued

No 3 City Ex parte Martha Bradstreet

In the matter of Martha Bradstreet demandant vs Apollos Cooper & al Tenants on motion for a rule on the District Judge of the United States for the Northern District of New York

On motion for a rule on the District Judge of the United States for the Northern District of New York to show cause &c.

The Hon[ble] Alfred Conkling Judge of the Court of the United States for the Northern District of New York this day appeared by an Attorney of this Court in pursuance of a rule granted at the last term in this cause requiring him to appear and show cause if any he have why a mandamus should not be awarded commanding him

1st To reinstate and proceed to try and adjudge according to the law and right of the case, the several suits of right and the issues thereon joined, lately pending in said Court and said to have been dismissed by order of said Court between Martha Bradstreet demandant and the following tenants severally and respectively to wit

Apollos Cooper, Abraham Varick, Nathan Williams, Marcus Hitchcock William Fillmore, Ezekiel Jenny, Alexander B. Johnson, John Bradish, Daniel Thomas, Abraham Culver, Henry Huntington, John C. Spencer, James D. Fish, Lieut Kirkland, Charles C. Broadhead, Jason Thomas, Lewis P. Hoyt, Ira Smith, Samuel Hocking, Montgomery Hunt, Thomas Walker, Joel Williams, Ephraim Hart, Joseph Barker, Moses Bagg, William Williams, William F. Coller, The President Directors and Company of the Bank of Utica, John Williams,

Wednesday - March 13. 1833. Continued

Charles P Kirkland, Bugg & Thomas, Henry Seymour, Robert Sherman, Mulgn B Mills, John Bruce, Jobe Newell, John Willis, John McElwain, William Gainer, Silas L Childs, Bildad Merrill, Nicholas Donovan, John L Donovan, Thomas Colling, August White, Samuel C Aiken, Abijah Thomas, James Sayre, Eli F Benjamin, Charles E Hardy, Levi Thomas, William Penton, John Williams, James L Selby, Robert Lisney, Augustus Kuellner, Abraham Varick, Moses Bigg, William F Potter, Michael Combe, George Thayer, Jonas Fay & Jason Parker, Silas L Childs & Theodore I Paylor, The Trustees of the First Presbyterian Society, Seth Boggs, John F Hannah Elizabeth Brinckerhoff, Ira A Thurber, Comfort Butler, Jerome L Benson, Thomas Lee, Apollos Cooper, Joseph Kirkland, Charles C Broadhead, Abraham Lawrence, Alexander B Johnson, Thomas Walker, John Williams, Montgomery Hunt & James Selden, Elizabeth Selden, Francis Selden, Margaret Selden, Mary Jane Lewis, & Theodore Pomeroy, The President, Directors and Company of the Bank of Utica, Ephraim Hunt, Peter Smith, Thomas Joseph Snyder, Walter King, Jesse W. Doolittle, Jordan Burchard, Samuel Beardsley, Richard R. Lansing, The President, Directors and Company of the Ontario Bank, John Bellinger, Jason Parker, George Merriam, William Smith, James Bard, Thomas Harding, Theodore I. Paylen, Milton A. Parker, Edward Vernon, John Adams, William Barnes, John Osborn,

Wednesday March 13 1833 Continued. –

Isaac N. Meacham, Samuel H. Addington, Theodore Pomeroy, Thomas Christian, Walter King, Jonathan Evans, Orrin Clark, Jonas Wright, John Below, Thomas H. Nurse, Henry W. Osborne, John Bradish, Samuel Stocking, Ashbel Seward, William Williams, Joseph Barton, James VanRensellaer & Walter King & James Van Rensellaer, Robert Olivia, Edward Bright & Jason Parker, Silas & Childs, Theodore S. Paxton & Abraham Shepard, William H. Maynard Kellogg Hurlburt, Maria Miller & James Below, William Below, Robert Bailey Moses Bailey, John Bailey, James Bailey, William Bailey, Thomas Bailey, James Below, Elizabeth Below, Frances Below, Margaret Below, Mary Jane Lewis and Elizabeth Boyle & Rachel W. Childs, Sarah Ann Childs, Susan W. Childs, Frances Childs, & Mary W. Childs & Sophia Clark, Erastus Clark, & Elizabeth Clarke Abraham Varick, Nathan Williams, Jason Thomas & Daniel Thomas, The Trustees of the second Presbyterian Society in Utica, The First Universal Society in Utica, Charles E. Dudley, Horace Butler James S. Kirk

2d Requiring said Court to admit such amendments in the forms of pleading & such evidence as may be necessary to meet or to ascertain the jurisdiction of said Court in the several suits aforesaid –

3d Or if sufficient cause should be shown by the said Judge on the return of this rule & should otherwise appear to this Court, against a writ of Mandamus requiring the matters and things aforesaid to be done by

Mandamus should not issue from this Court requiring the said Judge & direct and cause full records of the Judgments or orders of dismission in the several suits aforesaid, and of the proceedings of the same to be duly made up and filed, so as to enable this Court to re examine and decide the grounds and merits of such Judgments or orders upon writs of error, such records showing upon the face of each what judgments or final orders dismissing or otherwise definitively disposing of said suits, were rendered by the said District Court, at whose instance, upon what grounds, and what exceptions or objections were received or taken by said demandant or on her behalf, to the judgments or decisions of the said District Court in the premises, or to the motions whereon such judgments or decisions were founded, and what motion or motions application or applications were made to said Court by the demandant or on her behalf, and either granted or overruled by said District Court, both before and after said Judgments or decisions dismissing or otherwise finally disposing of said suits, especially what motions or applications were made by said demandant or on her behalf to said District Court, to be admitted to amend her counts in the said suits, or to produce evidence to establish the value of the lands so demanded in such counts, together with all the papers filed and proceedings had in said suits respectively—

Plaintiff returned with the rule, into the Supreme Court of the United States. In answer to a rule granted by your Honorable Court the certified copy whereof, hereunto annexed, was, on the twenty first day of December instant served upon him the undersigned begs leave respectfully to state as follows:

1. That after the issues had been joined in the several causes mentioned in the rule, motions were made thereon on the part of the tenants that the same should be dismissed: upon the ground that the counts respectively contained no allegation of the value of the matter in dispute, and that it did not therefore appear by the pleadings that the causes were within the jurisdiction of the Court. In conformity with what appeared to have been the uniform language of the national courts upon the question, & his own views of the law; & in accordance especially with several decisions in the circuit Court for the third Circuit (as Hersh & al. Dep. 1828 MS. 124), the undersigned granted these motions. Assuming that the causes were rightly dismissed, it follows of course that he ought not now to be required to reinstate them, unless leave ought also to be granted to the demandant to amend her counts.

2. After the dismissal of these causes as above stated, motions were made therein on the part of the demandant, that the same should be reinstated and that she should be permitted to amend her counts. These motions the undersigned considered it to

Wednesday March 13 1833 Continued.

manner more properly shew cause why he should not now be required to do what he then refused to do than by this inserting a copy of the opinion which he delivered upon that occasion. This opinion is as follow:"

"Martha Chadsteat, Demandant } This cause having
vs } the former term
Peter Smith, Tenant } of the Court been
dismissed upon the
ground that it did not appear upon the face of the demandant's count that the case was one to which the jurisdiction of the court extends, a motion has been made by the demandant for leave to amend her count & that the cause be reinstated in Court
There are also a great number of other causes brought by the same demandant standing in exactly the same predicament and depending of course upon the decision of this. The question is therefore important, & is by no means free from difficulty. Under these circumstances and ample time having been afforded to the parties for thorough investigation, it was expected that the question would have been more fully and explicitly argued. It is incumbent upon me however now to decide it, and I shall proceed to perform that duty. The defect in question is clearly one in substance. It consists in the want of any averment in the count of the value of the land in dispute, an allegation without which, the court could not even take jurisdiction of the cause. The power of the

Wednesday March 13 1833 Continued.

the 32nd section of the Judiciary act of Sept 24 1789 which is as follows: This quotation is omitted as unnecessary to be here inserted for all the exception of the last clause of this section it is understood to relate exclusively to defects in matters of form. No proceeding in civil cases is to be rendered ineffectual by reason of any such defects. They are to be disregarded in giving judgment, except when specially when set down as causes of demurrer, & are to be amended of course, without the imposition of conditions. To this extent the language of the section is also imperative. The last clause of the section however extends in terms to defects of every description, in the process and pleadings, and confers upon the Courts a discretionary power of permitting amendments therein upon such conditions as they shall direct. Without stopping then to ascertain the precise limits of this authority, it may be safely assumed that it extends to the case before the court, and the true question for revision is, whether this is a fit instance for its exercise. No affidavit has been furnished as the foundation of the motion, and I do not understand it to be pretended that there are any circumstances of a special nature entitling the demandant to favour. Leaving out of view, therefore, for the present, a peculiarity affecting the case, which will be noticed in the sequel, the application presents the naked question, whether as a general rule the demandant in a writ of right ought to be allowed to amend a defect in substance. It is wholly unnecessary to refer to adjudications in

this action is cognizable in that County) to show how such an application would be treated. No one in the least degree conversant with the settled usage of that court in this respect can doubt that it would without a moments hesitation be denied. But as one of the reasons for the great strictness which prevails in England, (viz, the long period of limitation against this action) does not exist in an equal degree here, and it is contended that this difference would of itself warrant a relaxation of the rules which govern there it is important to advert to a few of the English decisions, in order the more clearly to perceive to what extent this court would be obliged to depart from them to permit an amendment in the present case. In the case of Charlewood v. Morgan (1. Bos. & Pull. 64) a motion was made to amend the mistake of a christian name in the count, formed upon an affidavit accounting for the mistake. The motion however was denied, upon the ground that there was no precedent to warrant such an amendment: the court at the same time declaring that they should have been willing to amend had not the case before them been a proceeding by writ of right. The demandant then asked leave to discontinue, but this was also refused. In the case of Maidment v. Stokes (5. Bos. & Pull. 129) on a sidebar rule to discontinue having been entered, the court ordered it to be set aside with costs. And in the very recent case of Adams v. Radway (1. Marsh. 602) a motion was made on the

Wednesday - March 13 1833 Continued

of summons the Four Knights on the ground that no previous notice of executing it had been served on the Tenants' attorney. The application it was urged was made in the demandants own delay of major cautela lest it should be objected that the tenant would have a right to chalenge the Four Knights. But the motion was denied. Lord Chief Justice Gibbs declaring the rule adopted on consideration to be, that the court will not assist a demandant in a writ of right in getting over any difficulties that may occur to him. And the other Judges concurred in what he said.-

To this brief reference to English cases I will only add, that as far as I have been able to discover, the records of English jurisprudence furnish no instance of a successful application by the demandant in a writ of right to amend. If then in England a demandant is not allowed to amend a mistake even in a single christian name though satisfactorily accounted for - if he is not permitted to quash his own proceedings to enable him to correct a slight informality, nor even to discontinue his own suit if in short no aid whatever will be granted in any difficulty into which he may have the misfortune to fall, it is clear that to permit the amendment now asked for would not only be a wide departure from the established rule in that country, but an unmeaning rejection of it. for it would be placing the writ of right in this respect upon a footing of perfect equality with the most favored actions. Still however,

decisions of the Supreme Court of this State, I should not hesitate to pursue it, though this is one of those questions upon which the decisions of the State courts are not deemed obligatory when the National courts. But the only case of this nature in our own courts referred to upon the argument or which I have been able to find, is that of Malcom v. Roberts reported in 1 Cowen, 1. In that case the sheriff in his return to a writ of right, had stated that he had made proclamation at the most usual door of the Episcopal Church in Beekman Street called St George's Chapel, in the Second ward of the City of New York, within which the tenements lay, the tenant having been called at the quarto die post it was objected that the return was defective under the Statute of this State, although in exact conformity with the English form of a return, in not stating that the church mentioned in the return was the nearest church to the tenements in question. The court having after advisement held the objection to be well taken, the question was whether the Sheriff should be permitted to amend his return in this particular it being admitted that the church at which the proclamation was made, was in fact the nearest to the tenements, and that the proceeding itself had therefore been correct. It certainly is not easy to fancy a more favorable case than those of an enemy but I will remember the strenuous & very judicial

Wednesday. March 13 1833. Continued. –

duly to listen before they determined to grant the application. It does not appear that any such case has arisen in England, nor does it by any means follow from the decisions of the common pleas that even there such an application would be denied. Indeed, it is said in one of the cases above cited, that there might possibly arise a case in which an amendment would be permitted. The case of Malcom v Roberts, therefore, which I have already said is a solitary one in this State, does not warrant the conclusion that the strictness of the English practice in this respect had been relaxed, much less that it has been wholly repudiated here. It is true that one of the Judges in that case remarked that the ancient strictness which prevailed in real actions had been much relaxed by the late decisions, and as evidence of such a change he stated that he recollected a case in which at the last term of the court a default and grand cape having been taken the default was set aside. I have searched for this case but it does not appear to have been reported. But admitting, which does not appear, that the case referred to by his honor was a writ of right, it is to be observed that in that case it was the tenant and not the demandant who applied for relief. The indefatigable reporter however more well known and useful practice it was to collect all the important decisions tending to confirm or illustrate the point discussed, cites, in a note, the case of Van Bogen v Palmer, Pa. Rep. 324, in which the default of the

tenant, was set aside upon an affidavit to the effect, stating the default. But this upon examination turns out to have been an action of dower - an action favoured in law & to which less strictness has been applied. However the fact may be, therefore, it no where appears as far as I have been able to discover, except in the dictum in Malcom v Roberts, above mentioned, that the ancient strictness against the demandant in the writ of right has been relaxed, even here, while it is abundantly evident from the recent case of Adams v Radway, cited above, & the latest case which I have found, that no people relax more than we have done in England. The writ of right is an ancient common law remedy, injudiciously adopted here, with all its cumbrous machinery and useless appendages, and in the absence of any authority for so doing, I fear I should hardly be warranted in denying, that its peculiar disadvantages were also adopted along with it and that he who chooses to resort to it, must be content to take it with all its imperfections on his head.

But there is a peculiar feature in this case which remains to be noticed, & which ought not to be without influence upon its decision.

By a recent statute of this State the remedy by writ of right is wholly abolished. The present action was commenced after the enactment of this law, & just before it went into operation.

before the passage of this act, for doubting whether this action ought to be viewed by our courts in the light in which it has always been regarded in England, as one by no means entitled to favor, but to be discouraged, no such doubt can now exist, since it has been abolished as an evil which ought no longer to be tolerated. But this is not all. I apprehend it may safely be assumed, that this act, taken in connexion with the rule of this court adopting the practice of the Supreme Court of this State, is to be regarded as applicable to this court, so that no new action by writ of right can now be prosecuted in this court. If this be so it becomes a serious question whether this of itself does not upon authority constitute an insuperable objection to this application. By the dismission of the cause, the demandant has lost the power of further prosecuting it, and the application now is, first, for leave to insert in the count an allegation indispensable to her right of recovery in this court, and second, that the cause be thereupon reinstated without prejudice in court. Now there is no action in which the courts have been more liberal in permitting amendments than that of ejectment: in so much that it has been the uniform practice of the courts of England as well as in this State to allow new demises to be added even after the lapse of several years. By an act of the Legislature of this State passed in 1813, suits against bona fide purchasers

to be commenced before the first day of January 1833. In the case of Jackson v Murray 7 Cowen 150 which was commenced before the expiration of this period of limitation, an application was made as soon after its expiration for leave to amend the declaration by the insertion of a new demise. This motion was denied, upon the ground that such an amendment without which it was clear the plaintiff could not recover, would be equivalent to a new action, & would therefore be in violation of the act of limitations. And this decision was afterwards referred to and vindicated by the Court of errors. Now I am not able to distinguish the case before me, in principle from that. Here too, by an act passed in 828. the right to prosecute by writ of right was limited to the first of January 1830. viz. in the case where to grant the amendment prayed for, would have been equivalent to permitting a new action to be commenced at any time before. Upon the whole therefore, I am of opinion that it would be against authority and indecorous to grant the motion, & it must accordingly be denied.

3d After the denial of these motions, at a subsequent session of the Court, motions were made by the demandant for a rule requiring the tenants to make up and file records in the several causes for the purpose of enabling the demandant to prosecute writs of error thereon. The application was resisted

no final judgment had been rendered in these causes subject to revision by writ of error. After taking time to examine and consider the question thus presented, the undersigned denies these motions upon the ground assumed by the counsel for the tenants. with respect to this refusal to permit the demandant to amend her counts, it is hardly necessary to remark that as the application for this purpose was one, in its very nature, addressed to the discretion of the court it could not be the foundation of a writ of error. And with regard to the dismissal of these causes for want of an averment necessary to give the court jurisdiction, he supposed that a decision having no reference whatever to the merits of the controversy which adjudicated nothing incompatible with the right of the demandant to institute a new suit for the same cause of action even in the same court, but which merely declared that she had not shown as it was bound to do, that her causes were within the jurisdiction of the court, and that on that account the court could not entertain them could not be regarded as such a final judgment as could be revised by writ of error. A final judgment is defined to be an adjudication upon the question whether the plaintiff is entitled or is not, to recover the remedy he sues for. But the adjudication in this case was not that the demandant had no right to recover, but that she had not shown herself intitled to sue in the forum she had chosen.

judgment, & as such subject to revision by writ of error, plea it is respectfully submitted that if your honorable Court should be satisfied that no error has in fact been committed, you ought not to require bonds to be made up for no other purpose than to enable the demandant to prosecute writ of error which you already perceive must be fruitless. All which is respectfully submitted

Sidney Conkling Albany December 24 1832

After hearing Counsel and considering the Cause shown by the Hon'ble the Judge for the Court of the United States for the Northern District of New York this court is of opinion that it ought not to exercise any control over the proceedings of the District Court in allowing or refusing to allow amendments in the pleadings, but that every party has a right to the Judgment of this court in a suit brought by him in one of the inferior Courts of the United States provided the matter in dispute exceeds the sum or value of Two thousand dollars. In cases where the demand is not for money and the nature of the action does not require the value of the thing demanded to be stated in the declaration the practice of this court and of the courts of the United States is to allow the value to be given in evidence. In pursuance of this practice the demandant in the writ of error by order of the Judge of the District Court had a right to give the value of the property

Wednesday March 15. 1833 Continued

the cause, and would have a right to give it in evidence in this court. consequently she cannot be legally prevented from bringing her case before this tribunal. The court doth therefore direct that a Mandamus be awarded to the Judge of the Court of the United States for the Northern District of New York, requiring the said Judge to reinstate and proceed to try and adjudge according to the law and right of the case the several issues of right and the issues therein joined lately pending in said court between Martha Bradstreet, Demandant and Apollos Cooper et al, Tenants. — Pr. M. Ch. Jno. Marshall

32. William King — Appll
vs
James White —

The argument of this cause was continued by Mr. Webster for the appellee and by Mr. Crittenden for the appellant —

Proclamation being made the Court is adjourned until to morrow morning at eleven Oclock. —

Thursday March 11 1833.

Pursuant to adjournment the Court met this morning at the Capitol

Present

The Honorable John Marshall Chief Justice
William Cranch

The Honble Gabriel Duvall Associate
Joseph Story Justices
John McLean

Henry Ashton Esquire Marshal
William Thomas Carroll Clerk

Proclamation being made the Court is opened

On motion first made to the Court in this behalf by Mr Clay It is ordered that Isaac T. Reed Esquire of the State of Mississippi be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly. —

On motion first made to the Court in this behalf by Mr Hanson It is ordered that J. H. Daniel Esqr of the State of Kentucky be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly —

22. William King Appellee
vs
James White —

The argument of this cause was concluded by Mr Wirt for the Appellant. —

Thursday March 14 1833 Continued

Ex parte In the matter of The Life and Fire Insurance Company of the City of New York — Pltff

91. vs

Christopher Adams

On motion of Plaintiffs for a Mandamus to the District Court of the United States for the Eastern District of Louisiana — Mr Jones of counsel for the Plaintiffs in this cause now here moved the Court for a rule to be served on the District Judge of the United States for the Eastern District of Louisiana commanding him to be and appear before this Court on the first day of the next January Term of this Court either in person or by an Attorney of this Court to shew cause if any he have why this court should not award a Mandamus directed to the said Judge commanding him to sign the Judgment in this cause in said Court and to direct that execution issue upon the same — On Consideration Whereof It is ordered by this Court that the rule as prayed for be and the same is hereby granted, returnable to the first day of the next January Term of this Court which is the second monday of January Anno Domini Eighteen Hundred and thirty four — Jno. Wickliffe Marshall

Ex parte In the matter of The Life and Fire Insurance Company of the City of New York — Pltff

92 vs

The Heirs of Nicholas Wilson

On motion of Plaintiffs for a Mandamus to the District Court of the United States for the Eastern District of Louisiana — Mr Jones of counsel for the Plaintiffs in this cause now here moved

Thursday March 14 1833 Continued. —

on the District Judge of the United States for the Eastern District of Louisiana commanding him to be and appear before this Court on the first day of the next January term of this Court either in person or by an attorney of this Court to shew cause if any he have why this Court should not award a mandamus directed to the said District Judge commanding him to sign the Judgment in this cause in said Court and to direct that execution issue upon the same — On consideration whereof, It is ordered by this Court that the rule as prayed for be and the same is hereby granted returnable to the first day of the next January term of this Court Court on the second monday of January Anno Domini Eighteen Hundred and thirty four. —

"J. M. Ch. Jus. Marshall"

Proclamation being made the Court is adjourned until to morrow morning at eleven o'clock. —

Friday March 15 1833 –

Pursuant to adjournment the Court met this morning at the Capitol

Present

The Honorable William Johnson
Gabriel Duvall
Smith Thompson
John McLean
} Associate Justices –

Henry Ashton Esquire Marshal
William Thomas Carroll Clerk

Proclamation being made the Court is opened

22. William King – Appellt
vs
James White – Appellee

This cause coms on to be heard on the transcript of the record from the District Court of the United States for the Western District of Virginia and was argued by counsel, On consideration whereof, the court not being now here sufficiently advised of and concerning what Judgment to render in the premises doth order that this cause be held under advisement and that the same be continued to the next term of this Court –

Proclamation being made the Court is adjourned to the time and place appointed by law –

August Term 1833.

At a Session of the Supreme Court of the United States begun and held at the Capitol of the United States in the City of Washington being the Present seat of the National Government of the United States, on the first monday of August being the fifth day of the same month in the year of our Lord one thousand eight hundred and thirty three and of the Independence of the United States the fifty eighth, agreeably to the Statute in such case made and provided the Honble

One of the associate Justices of the Supreme Court of the United States and assistant of the Fourth circuit in the State of Maryland was present and the Clerk of said Supreme Court attending It is ordered by the said Judge that the following entries be made in the following cases, to wit:-

Barlow	1827 Dec. 13	Antonio Pacheco Heirs	Appl[t]	Missouri	Dist. Ct. U. S.
1.		"			1832 Aug. Mand. to be continued
Writ Atto. Genl		The United States			
Innes	Nov. Vol. 4	John	McKinney Def[t]	Kentucky	Dist of Appeals
2.			Jeffries Def[t]		1833 Aug. Decree to be cont[d]
Nicklisse Nicholas		John	Garrett		
Porter	Dec. 5	John	Smith P.	Appl[t]	Missouri Dist. Ct. U. S.
3.					1833 Aug. Mand. to be cont[d]

August Term 1833

Daniel Webster	1829 Jan 13	Amos Binney's Exrs.	Appl't Washington. C. C. U. S.
			1833. Aug. Mand. to be continued
4		"	
Daniel Webster		The Chesapeake Canal Company	
Lemuel Taylor	1827 Apl 23	Thomas Hammond admr &c	Appl't Alexandria. C. C. U. S.
			1833. Aug. Mand. to be continued
5		"	
Jones		George Washington's Exrs	
Sullivan Webster	1830 Nov 4	The Proprietors of Chas River Bridge	Massachusetts. Sup. Ct.
			1833. Aug. Mand. to be continued
6		"	
Webster Jones		The Proprietors of Warren Bridge &c	
Lemuel Taylor	Dec 7	Charles St Clair	Appl't Missouri C. C. U. S.
			1833. Aug. Mand. to be continued
7		"	
		The United States	
Lemuel Taylor	Dec 7	Augustus Choteau &c	Appl't Missouri C. C. U. S.
			1833. Aug. Mand. to be continued
8		"	
		The United States	
Lemuel Taylor	Dec 7	Pierre Choteau Junr &c	Appl't Missouri C. C. U. S.
			1833. Aug. Mand. to be continued.
9		"	
		The United States	

August Term 1833.

[illegible]	Dec 7	Com. Mackay Senior	Appeal	Pennsylvania. Affirmed with
10		"		1833 Aug. and to be continued.
		The United States		
[illegible]	Dec 7	Mackay & Heirs Senior	Appeal	Pennsylvania. Affirmed with
11.		"		1833 Aug. and to be continued
		The United States		
[illegible]	Nov 26	Colin Mitchell and	Appeal	Missouri. Sup. Ct. mid. Affirmed
[illegible]		"		and to be continued
[illegible]		The United States		
Wirt Johnson	Feb 6	William Nay	Appeal	W. Virginia. Affirmed with
13.		"		1833 Aug. and to be continued
James Dragon Webster		James White		
[illegible]	Feb 15	Abraham Shane & M. Jackson	Appeal	Ohio. Affirmed with
14.		"		1833 Aug. and to be continued
		James G. Smith		
[illegible]		Edmund Carrington and	Writ	Massachusetts. Affirmed with
15.		"		leave of Amendment to
				1833 Aug. and to be continued
		The Merchants Insurance Company		

August Term 1833

Jones Clay 13	1833 Jan 3	James Erwin - Appellt vs Hugh M. Blake	M. Tennessee - C. C. U. S. 1833 Aug. Rule to be continued	
Livingston 14	Jan 12	The Mayor &c of New Orleans - Appellt vs The United States	E. Louisiana - C. C. U. S. 1833 Aug. ordered to be continued	
Tebbs Dunlop 18	Jan 14	Jacob Mamma - Plff in Er. vs The Potomac Company	Washington C. C. U. S. 1833 Aug. ordered to be continued	
Wickliffe 17	Jan 18	Exrs of Saml Smith Plff in Er. vs Robert Taylor's Heirs	Kentucky C. C. U. S. 1833 Aug. ordered to be continued	
Dunlop 26	Jan 9	James M'Culloch and Plff vs James Marshall Defdt	M. Tennessee C. C. U. S. 1833 Aug. ordered to be continued	
Dunlop 21		Morgan Bryan Plff in Er. vs The State of Missouri	Missouri sup Ct of Judicature 1833 Aug. ordered to be continued	

August Term 1833.—

Key	Feb. 25	Gabriel Richard and Joseph m. Michigan		
				1833 Aug. Ordered to be continued
22		do		
		Francis Labadie		
Hamtramck	Feb. 6	Margaret Richard	Appellant	Washington C. C. U. S.
				1833 Aug. Ordered to be continued
23		do		
Van Burgh		Thomas B. Bartlett Esqr.		
Houghton	Feb. 8.	Walter Dunn and	Appellant	Ohio C. C. U. S.
				1833 Aug. Ordered to be continued
24		do		
Lemoin Hunt		Henry Clark vs		
Stewart	Feb. 8	Frederic C. Graf & J. C. Delpratt, Adm		Maryland C. C. U. S.
		of the Ship Virgin	Appellant	1833 Aug. Ordered to be continued
25		do		
Mayer		Adam Vyfhuis Jr. Libellant		
Mayer	Feb. 8	Adam Vyfhuis Jr. Libellant of		Maryland C. C. U. S.
		The Ship Virgin —	Appellant	1833 Aug. Ordered to be continued
26		do		
		Frederic C. Graf & J. C. Delpratt Adm		
Geo Town	Feb 8	The Ches & Ohio Canal Company		Washington C. C. U. S.
			Appellant	1833 Aug. Ordered to be continued
27		do		
Key —		The Union Bank of Geo. Town —		

August Term 1833

Loyd Inman	1832 Feb 8	The Ches. & Ohio Canal Company	Pff in Err.	Washington C. C. U. S. 1833 Aug: Ordered to be continued
28		vs		
		John Mason		
Loyd Inman	Feb 8	The Ches. & Ohio Canal Company	Pff in Err.	Washington C. C. U. S. 1833 Aug: Ordered to be continued
29		vs		
Wheeler Key		Hames Gelesborough		
	Feb 15	Richard Smith	Pff in Err.	Washington C. C. U. S. 1833 Aug: Ordered to be continued
30		vs		
Loyd		Enoch Ringgold		
Loyd	Feb 15	Bank of the Metropolis	Pff in Err.	Washington C. C. U. S. 1833 Aug: Ordered to be continued
31		vs		
Inman Inman Lee		William Jones		
Wheeler Key	Feb 21	Ames Binney's Heirs	Pff	Washington C. C. U. S. 1833 Aug: Ordered to be continued
32		vs		
Inman Wirt. Lee		The Ches. & Ohio Canal Company		
Wheeler Key	Feb 21	Heirs of Ames Binney's Heirs		Washington C. C. U. S. 1833 Aug: Ordered to be continued
33		vs		
Inman Wirt. Lee		The Ches. & Ohio Canal Company		

August Term 1833

	1833 Feb 25	The Bank of Alexandria	pltff in Error	Alexandria D C	
				1833 Aug: Motion to be continued	
34.		"		"	
		Thomas		Swann	
Set	1833 June 3	Charlotte L Owings and	pltff in Error	Maryland C C A.	
				1833 Aug: Ordered to be continued	
35		"		"	
		James	&	Hall	
Fitz Lee	1833 June 8	George	Semmes & Fitzhugh		Alexandria D C A
			pltff in Er.		1833 Aug: Motion to be continued
36.		"		"	
Love		John	Thomas	Swann	
Neale	1833 June 15	Hamilton	McClellan	Appellt	Alexandria D C A
				1833 Aug: Ordered to be continued	
37		"		"	
		John	C	Mason	
Wood	1833 June 15	John	Hamilton	Appellt	Maryland C C A
				1833 Aug: Ordered to be continued	
38		"		"	
Hyer		Leonard		James Neale	
	1833 June 25	John	Lenthall	Appellt	U.S. Pennsylvania C C A
				1833 Aug: Ordered to be cont'd	
39		"		"	
		James	McCallen	Neale	

August Term 1833.

	1833 Apl.				
Cabell	3	Alexander McCall	Appl.	Mf. Tennessee.	C. C. U. S.
				1833 Aug: Ordered to be continued	
40.		"			
		John McIver's heirs			
Same Key vs Bank United States	Apl 10	Bank United States	Appl.	Washington	C. C. U. S.
				1833 Aug: Ordered to be continued	
41		"			
Marbury		John P. Ritchie ful vul			
Ch. White. White & H. Lamp	Oct 15	George H. Buscar ul	Pffs in Er	Kentucky	C. C. U. S.
				1833 Aug: Ordered to be continued	
42.		"			
Harris Bell		Bank of the Commonwealth of Kentucky			
Bibb	Oct 21	William Cotesworth ul	Appls	Kentucky	C. C. U. S.
				1833 Aug: Ordered to be continued	
43		"			
		Paul Carrington ul			
	Nov 4	Lyon & Ch. Walker ul	Pffs	Kentucky	C. C. U. S.
				1833 Aug: Ordered to be continued	
44		"			
		William Lemon ul			
Draper	Nov 19	William King	Appl.	W. Virginia	C. C. U. S.
				1833 Aug: Ordered to be continued	
45		"			
		John Mitchell ul			

August Term 1833.

Carson	1832 Dec 28	Bank United States pffs in Er.	W. Virginia	Ab. & M.
				1833 Aug: Ordered to be continued
46.		vs		
Ewing		Andrew Donnally		
Wilkins Atty for Pffs	Dec 28	Simon Gregg & al Pffs in Er.	Pennsylvania	Ab. & M.
				1833 Aug: Ordered to be continued
47.		vs		
Ritchie		Lessee of Gabriel Lamyyer & wife		
Wilkins Atty for Pffs	Dec 28	William Robinson jr. Pffs in Er.	Pennsylvania	Ab. & M.
				1833 Aug: Ordered to be continued
48.		vs		
		William Noble's admrs		
Atty Genl	Dec 30	The United States Pffs	New York	Ab. & M.
				Writ of Error &c.
				1833 Aug: Ordered to be continued
49.		vs		
Queen Webster		William Lucas Defs		
Jones	1833 Jan 7	Ex parte: In the matter of the Life and		
		Fire Ins. Co. Comp'y of N York Pffs		Er. Louisiana. Ab. & M.
				On motion for a mandamus &c.
50.		vs		1833 Aug: Ordered to be continued.
		Christopher Adams		
Jones	Jan 7	Ex parte In the matter of the Life and		Er. Louisiana. Ab. & M.
		Fire Ins. Co. Comp'y of N York. Pffs		On motion for a mandamus &c.
				1833 Aug: Ordered to be continued.
51.		vs		
		Nicholas Wilson's Heirs.		

1825.

August Term 1833 –

Dec	1833 June 7	Joseph Mandeville & al.	Appl'ts	Alexandria. Co. & U. S.
33		vs		1833 Aug: Ordered to be continued
		Roderick Dorsett		
Dec	June 7	Joseph Mandeville & al.	Appl'ts	Alexandria. Co. & U. S. –
33		vs		1833 Aug. Ordered to be continued
		Alexander Langster ———		
Dec	June 7	Joseph Mandeville & al.	Appl'ts	Alexandria. Co. & U. S.
34		vs		1833 Aug: Ordered to be continued.
		John M Wright Southgate —		
Dec	June 7	Joseph Mandeville & al.	Appl'ts	Alexandria. Co. & U. S.
35		vs		1833 Aug: Ordered to be continued.
		Francis Keener admr. — —		
	June 11	The Mayor &c of New York.	Appl'ts	New York. Co. & U. S.
15		vs		1833 Aug: Ordered to be continued.
		George Mills. —		
Aug.	June 14.	James Brown —	Appl'ts in Er:	E. Louisiana. Co. & U. S.
57		vs		1833 Aug: Ordered to be continued.
		Richard R. Keene —		

August Term 1833.

	1833 Jan 28	The United States plff in Er	Washington D.C. to be U.S.
58.		vs	1833 Aug. ordered to be continued
		G. Orr, admr	
	Jan 28.	The United States plff in Er	Washington D.C. to be U.S.
59.		vs	1833 Aug. ordered to be continued.
		Benjamin G. Orr, admr	
	Jan 28	The United States plff in Er	Washington D.C. to be U.S.
60.		vs	1833 Aug. ordered to be continued
		Benjamin G. Orr's admr	
	Jan 28	The United States plff in Er	Washington D.C. to be U.S.
61.		vs	1833 Aug. ordered to be continued
		Benjamin G. Orr's admr	
	Jan 30.	The United States Appellt	Es Florida - Sup. Ct.
62		vs	1833 Aug. ordered to be continued
		Francis Richard	
		Kosciusko Armstrong - Appellt	Washington D.C. to be U.S.
		vs	1833 Aug. ordered to be continued
		Tadeus Kosciusko's admr Ct	

August Term 1833.

	1833 Feb. 12	The United States - pffs in Er.	Washington. C. C. U. S.	
64.		vs		1833 Aug: ordered to be continued
		Tench Ringgold		
	Feb. 11	Cornelius Tenbury pffs in Er.	Rhode Island C. C. U. S.	
65.		vs		1833 Aug: ordered to be continued
Whipple		Philip Tefson vel		
	Feb. 30	The Bank of Georgia - Appellt	So. Carolina C. C. U. S.	
66.		vs		1833 Aug: ordered to be continued
Ward		U. S. Hallett admr vel		
	Feb. 20	Alphonso Wiltmore - pffs in Er.	Missouri - C. C. U. S.	
67		vs		1833 Aug: ordered to be continued
		The United States -		
Bill	Feb. 27	Williams & Holt & wife - Appellt	Kentucky - C. C. U. S. -	
68.		vs		1833 Aug: ordered to be continued
		Thomas & Edmund Rogers -		
	Feb. 28	Joseph Mandeville vel Appellt	Alexandria. C. C. U. S. -	
69		vs		1833 Aug: ordered to be continued -
		John & Reuben Withers -		

August Term 1833

70.	1833 Feb. 28	Joseph Mandeville val Appellee Alexandria C. C. U. S. 1833 Aug: Mandate to be continued vs Thomas Mason admr
71.		The United States - Appellee C. Louisiana. C. C. U. S. 1833 Aug: Ordered to be continued vs 112 casks of Sugar Nathan Goodale, Claimt
72.	Nov. 7.	Bank United States - Appellee Ohio. C. C. U. S 1833 Aug. Ordered to be continued vs Jacob White val
73.	Apl. 31	Reuben Garnett's heirs. Appellee Kentucky. C. C. U. S 1833 Aug: Ordered to be continued vs Henry Jenkins val
74.	Aug. 7.	Henry Meade & Wife & Amalia an. Appellee C. Pennsylvania C. C. U. S 1833 Aug. Ordered to be continued vs Richard Peters & John Grigg -

January Term 1854.

Monday January 13 1834 Continued

3.	Thomas Hammond assignee &c Appellee vs Joseph Washington Exrs	On motion of Mr Swann of Counsel for the Appellants. It is ordered by the Court that this cause be and the same is hereby continued

13	Harrington use &c pltffs vs Merchants Insurance Company	On motion of Mr Webster of Counsel for the defendants and by consent of Mr Binney of Counsel for the plaintiffs. It is ordered by the Court that this cause be and the same is hereby set down for argument on the fifteenth day of February next.

Proclamation being made the Court is adjourned until tomorrow morning at eleven o'clock

Tuesday January 11 1831

Pursuant to adjournment the Court met this morning at the Capitol

Present

The Honorable John Marshall Chief Justice

The Hon'ble	Joseph Story Smith Thompson John McLean Henry Baldwin	Assist. Judges

Henry Seldon Esqr. Marshal
[illegible] Clerk

Proclamation being made the Court is opened

On motion first made to the Court in this behalf by Mr Fleming It is ordered that David Upshur Esquire of the State of Ohio be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr Ward It is ordered that Samuel Rose Esquire of the State of [illegible] be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr Ward It is ordered that Thomas Hall Esquire of the State of Ohio be admitted to practice as an attorney & counsellor of this Court

52	Joseph Mandeville Vale vs Appt Hannah Burt —	On motion of Mr Lee of counsel for the appellant no counsel appearing for the appellee It is ordered by the Court that this cause be and the same is hereby submitted to the consideration of the Court on the brief of counsel and the transcript of the record. —
53	Joseph Mandeville Vale vs Appt Thomas Langston	On motion of Mr Lee of counsel for the appellant no counsel appearing for the appellee. It is ordered by the Court that this cause be and the same is hereby submitted to the consideration of the Court on the brief of counsel and the transcript of the record.
54	Joseph Mandeville Vale vs Appt John & Wright Smithgall	On motion of Mr Lee of counsel for the appellant no counsel appearing for the appellee It is ordered by the court that this cause be and the same is hereby submitted to the consideration of the court on the brief of counsel and the transcript of the record. —
55	Joseph Mandeville Vale vs Appt Francis Keene's admr	On motion of Mr Lee of counsel for the appellant no counsel appearing for the appellee It is ordered by the court that this cause be and the same is hereby submitted to the consideration

Tuesday January 11. 1834. Continued

Joseph [illegible] vs No Appls John & Reuben [illegible] & others	On motion of Mr Fox of counsel for the appellants leave is granted on behalf of the appellants for the appellees to file their brief of counsel in this cause on or before the first day of the next term of this court.

It is ordered by the court that this cause be and the same is hereby submitted to the consideration of the court on the brief of counsel and the transcript of the record.

Joseph Mandeville Pltf in Error vs Appellee Thomson Mason's admr	On motion of Mr Fox of counsel for the appellants leave is granted on behalf of the appellants for the appellees to file their brief of counsel in this cause on or before the first day of the next term of this court.

It is ordered by the court that this cause be and the same is hereby submitted to the consideration of the court on the brief of counsel and the transcript of the record.

65 Cornelius Seabury Plaintiff in Error
vs
Philip Sisson, Abraham Sisson, Sabey Rowland, and Elizabeth Rowland, wife of said Sabey, in right of said Elizabeth, Asa M. Dyer, and Pamela A. Dyer, wife of said Asa M. in right of said Pamela, Jacob Lyons and Abigail Lyons, wife of said Jacob, in right of said Abigail, Ezekiel F. Russell, and Phebe F. Russell, wife of said Ezekiel, in right of said Phebe, all of Utica in the county of Tompkins, in the State of New York and citizens of said State of New York, and

Tuesday January 14 1834. Continued

in said State of New York, Cook Tipson of Warsaw in the County of Genesee in said State of New York, John Tripp, and Susan Tripp wife of said John in right of said Susan, both of said Warsaw, Timothy Ingersoll and Lydia Ingersoll wife of said Timothy in right of said Lydia, both of the same Warsaw, Henry Wilbur Tipson of Big Flats in the County of Tioga, in said State of New York, Peleg Taber, and Hannah Taber wife of said Peleg in right of said Hannah both of Sheyenne in the County of Cayuga in said State of New York all citizens of the said State of New York and Thomas Tipson of Tecumseh in the County of Tennessee in the Territory and District of Michigan a citizen of said Territory of Michigan. Defendants in Error

to Error to the Circuit Court of the United States for the District of Ohio. Sirs.- The following Letter addressed to the Clerk of this Court viz Provincial R. I. Jany 4. 1834. Sir, In the cause Cornelius Stelson, plaintiff in Error vs Tipson, the Plaintiff discontinues the writ of error, and requests you to enter the same accordingly. It is agreed by the parties that the discontinuance shall be without costs to the defendants in Error. If you will be kind enough to forward your bill to the plaintiff in Error at Providence R. I. he will forward the amount to you without delay. We are respectfully Yours &c W. Greene Atty & Counsellor for Plaintiff in Error. To the Clerk of the U. S. Court of Errors at Washington. Providence Jany 14 1834. The defendant in error & plaintiff in the suit have no objection to the discontinuance of

Tuesday January 14. 1834. Continued.

upon the claims above mentioned.

Lyle S. Pillinghast alias D. Pope vs. the defendant having been filed and read in open court. It is therefore considered ordered and adjudged by this court that the writ of error in this cause be and the same is hereby dismissed with costs.

P. W. Ch. for Marshall

Proclamation being made the Court is adjourned until tomorrow morning at eleven o'clock

Wednesday January 15 1834.

Pursuant to adjournment the Court met this morning at the Capitol

Present

The Honorable John Marshall Chief Justice

	Joseph Story	
	Gabriel Duvall	
The Hon.ble	Smith Thompson	Associate Justices
	John McLean	
	Henry Baldwin	

Henry Ashton Esquire Marshal

[illegible] Esquire Clerk

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. M'Pherson It is ordered that Achilles Allen Esquire of the State of Kentucky be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Brindley It is ordered that George W. Lay Esquire of the State of New York be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. W. Webster It is ordered that Charles F. Dewey Esquire of the State of Massachusetts and Alexander Porter Esquire of the State of Louisiana be admitted to practice as attorneys and Counsellors of this court and they were severally sworn accordingly.

Wednesday January 16 1856 Continued.

On motion first made to the Court in this Cause by Mr Beardsley It is ordered that Sherman Page Esquire of the State of New York be admitted to practice as an attorney of this Court on the usual terms of admission

Hugh M Blake	The argument of the cause was commenced by Hamlin for the appellant and continued by the Court in the absence and concluded by Mr Hamlin for the appellant.
Abraham Shaw et al vs James C Smith	The argument of the cause was continued by the Court and counsel and by the Court that this cause be and the same is hereby dismissed at the cost of the claimant

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Ordered that the Clerk of this Court do not receive any Transcripts from the Court below in any cause in which

1831.

Thursday January 16 1834

Pursuant to Adjournment the Court met this morning at the Capitol —

Present

The Honorable John Marshall Chief Justice

	Joseph Story	
	[illegible]	
	John McLean &	Associate
	Henry Baldwin	Justices

[illegible] Esqr Attorney General

[illegible] Esqr of the Court as above

On motion of [illegible] the Court in this behalf by Mr Butler. It is ordered that John Randolph Grymes [illegible] of the State of Louisiana be admitted to practice as an Attorney and Counsellor of this Court and he [illegible]

The Mayor &c of New Orleans	On motion of Mr Attorney
[illegible] Appellt	General of counsel for
The United States —	the United States — by
	[illegible]

[illegible] for the Appellants. It is ordered by the Court that the same be [illegible] Attorney [illegible]

Thursday January 15 1834 Continued.

	Enoch Mannon - plff in Error vs The Potomac Company	On motion of Mr Key and Mr Webb of counsel for the plaintiff in Error which was opposed by Mr Coxe It is ordered that this cause be and the same is hereby set for hearing on the
	Mayor &c of Alexandria vs Patrick Hunter Heirs	On motion of Mr Key of counsel for the plaintiff in Error It is ordered by the Court that this cause be and the same is hereby set for the first day of the next
20	Thos M'Culloch use &c vs Abbot Thos Marshall Dec'd	This cause was submitted to the consideration of the Court on the transcript of the record and brief of argument by Mr Benton of counsel for the plaintiff in Error & by Mr Rice & Mr White of counsel for the defendant in Error
21	Morgan Hynes - plff in Error vs The State of Missouri	This cause was submitted to the consideration of the Court on the transcript of the record and brief of argument by Mr Platt of counsel for the plaintiff in Error, no counsel appearing for the defendant in Error.

1906.

Thursday - January 16 1834. Continued

Gabriel Richard Vel vs Jeffrons & Thomas Sabadie	This cause coming on to be called for argument under the thirty sixth rule of the Court and no counsel appearing It is therefore ordered by the Court that the cause be and the same is hereby put to the foot of the docket
Serjeant Dick Vel vs Thomas B. Beall & Bros	The argument of the cause was commenced by Mr Bagby for the appellee.

Proclamation being made the Court is adjourned until tomorrow morning at eleven oclock.

Friday January 17 1834

Pursuant to adjournment the Court met this morning at the Capitol

Present

The Honorable John Marshall Chief
Justice
Joseph Story
Gabriel Duvall
William Thomas Carroll
Henry Baldwin

Henry Clay Esquire Marshal
William Thomas Carroll Clerk

Proclamation being made the Court is ad-

The Mayor &c of New Orleans
vs
The United States

On motion of the Attorney General for the appellees

on behalf of the appellees It is ordered by the Court that this cause be and the same is hereby continued to the next term of this Court.

Walter Dun &al. Appellants
vs
Henry Clinke &al

On motion of the appellees by the Attorney General it is ordered by the Court that this cause be continued to the next term of this Court unless the appellants shall in the meantime file the record with the Clerk of this Court when this cause is docketed

Friday January 17 1834 Continued..

	In the [illegible] doth order that the same be [illegible] Dismissed.	
23	Reynard Dickerson Appellt vs [illegible] Beattie Exrx Respt	The argument of this cause was by Mr King for the appellants and concluded by Mr Cox for the appellees.
24	Jeremiah & Grafton claimts of the Right Virgin- Appellts vs Isaac Wyatt Exr-	This cause having been called for argument under the thirty sixth rule of this court and no counsel appearing to argue the same It is thereupon ordered by the court, that said cause be and the same is hereby postponed to the foot of the docket
25	Isaac Wyatt & Libellant of the Right Virgin Appellt vs [illegible] Grafton & Co Respt Appellees	This cause having been called for argument under the thirty sixth rule of this court and no counsel appearing to argue the same It is thereupon ordered by the court that said cause be and the same is hereby postponed to the foot of the docket
26	[illegible] & Co Appellts vs The Union Bank of Georgia Appellees.	This cause having been called for argument under the thirty sixth rule of

Friday January 1st 1864 Continued

appearing to argue the same It is therefore ordered by the Court that said cause be and the same is hereby postponed to the first day of the next Term.

	The Ohio & Miss. Railroad Company vs Jeff. Mason	This cause coming on to be called for argument under the thirty sixth rule of this Court and no counsel appearing to argue the same It is therefore ordered by the Court that said cause be and the same is hereby postponed to the first day of the next Term.

	The Ohio & Miss. Railroad Company vs Jeff. Mason	This cause coming on to be called for argument under the thirty sixth rule of this Court and no counsel appearing to argue the same. It is therefore ordered by the Court that said cause be and the same is hereby postponed to the first day of the next Term.

	Richard Smith pltff in Er vs Enoch Ringgold	This cause coming on to be called for argument under the thirty sixth rule of this Court and no counsel appearing to argue the same It is therefore ordered by the Court that said cause be and the same is hereby postponed to the first day of the next Term.

Friday January 9th 1834 Continued

Bank of the Metropolis	The argument of this cause
vs	was commenced by Mr Coyle
Williams Jones	for the Plaintiff in Error.

Whereupon the Court is adjourned until tomorrow morning at eleven o'clock.

Saturday January 8 1831

Pursuant to adjournment the Court met this morning at the Capitol —

Present

The Honorable John Marshall Chief Justice
Joseph Story
The Hon[ble] Smith Thompson } Associate
John M[c]Lean } Justices
Henry Baldwin

Henry Ashton Esquire Marshal
William Thomas Carroll Clerk —

Prohibition Long } on the Circuit
vs } Court of the State of
The State of Missouri } for the Fourth

This cause came on to be heard on the transcript of the record from the Supreme Court of the State of for the fourth Judicial district and was argued by counsel On consideration whereof, this court is of opinion that there is error in the rendition of the same Judgment in this, that in affirming the judgment removed by the Circuit Court of the County of Cole pronounced in the State of Missouri that court has given an opinion in favor of the validity of the act of the Legislature of Missouri passed on the 27[th] of June 1821 entitled "an act for the establishment of Town offices" which act

Saturday January 18 1834 Continued.

constitution of the United States: Whereupon it is considered by the Court that the said judgment of the said Supreme Court of the State of Missouri for the fourth Judicial District ought to be reversed and annulled and the same is hereby reversed and annulled and the cause remanded to that court with directions to enter Judgment in favor of the defendant in the error in said action. Jno. Mc Chas. Marshall

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Henry Beard, William A. Beard, Lewis Hawkins and Mary his wife. Demandants— vs. John Rowan — Tenant.

Mr. Hamlin of counsel for the Tenant having filed and read in open court the following certificate viz: "United States of America Circuit Court Kentucky district November Term 1831. November 15— Henry Beard, William A. Beard & Lewis Hawkins & Mary his wife demandants against John Rowan, Tenant— on writ of right— It is therefore considered by the court, that the said John Rowan go hence and recover of the said demandants his costs by him in his defence of this suit expended— The United States of America; ss.— (Seal) The president of the United States to the Judges of the Circuit Court of the District of Kentucky in and for the Kentucky District greeting:— Because in the record and proceedings and also in the rendition of a judgment in a suit before you between Henry Beard, William A. Beard, Lewis Hawkins and Mary his wife, demandants and John Rowan Tenant of a writ of right

Saturday January 18 1834 Continued.

the said Henry Beard, William A. Beard, Lewis Hawkins and Mary his wife as in their complaint hath been stated and as it is just and proper that the error if any there be should be corrected in due manner and that full and speedy justice should be done the parties aforesaid in this behalf. You are hereby commanded if a judgment be given then under your seal you distinctly and openly send the record and proceedings in the said aforesaid with all things concerning them and this writ so that you have the same before the Chief Justice and Associate Justices of the Supreme Court of the United States on the second monday in January next at the City of Washington the present seat of the National Government that the record and proceedings aforesaid being inspected may cause to be done thereupon what of right ought to be done. - Witness the Honorable John Marshall Chief Justice of the said Supreme Court at the City of Washington aforesaid this 23d day of December A.D. 1831 and the 55th year of the Independence of the United States -

Attest Richard C. Cook Clerk

By John Rowan - We have a writ of error hath been issued by the Clerk of the Seventh Circuit Court of the United States of America in and for the Kentucky District - to the Judge of Henry Circuit Court - Lewis Hawkins and Mary his wife returnable to the Supreme Court of the United States on the second monday in January next upon a writ of right which is in the Court

"Allowed by John Boyle."

are therefore to cite and command you that you be and appear in the Supreme Court of the United States at the City of Washington on the day aforesaid then and there to hear the errors assigned for the reversal of the said Judgment and to be heard if any thing you have to say upon the said writ of error. — Witness my hand as Judge of the District of Kentucky this 23d day of December 1831 and in the 56th year of the Independence of the United States. — John Boyle —

A copy Test. Geo. H. Hanna. C.C.C. U.S.A.

Know all men by these presents, That we Henry Beard, William A. Beard, Lewis Hawkins, and Mary his wife and Francis M. Law are held and firmly bound unto the Bank — the just and full sum of Five hundred dollars to which payment well and truly to be made we bind ourselves our heirs, executors and administrators jointly and severally firmly by these presents Sealed with our seals and dated this 1st day of December A.D. 1831.

Whereas the said Henry Beard William A. Beard Lewis Hawkins and Mary his wife have obtained a writ of error to reverse a judgment of the Seventh Circuit Court of the United States of America in and for the Kentucky District entered up at the November Term 1831 wherein said Beard &c are demandants and said Bowman Tenant and upon said writ of error the said cause is taken to the Supreme Court of the United States — Now if the said Henry Beard, William A. Beard Lewis Hawkins and Mary his wife shall prosecute the said writ of error with effect or in

Saturday January 15th Continued

costs and damages as he may sustain by reason of said writ of error and also all costs which he may incur in the said Supreme Court then this obligation shall be void otherwise remain in full force and virtue — Francis McLean (Seal)

By Jno W. McCalla his attorney."

Know all men by these presents that I Fs. McLean of the County of Fayette and State of Kentucky do make constitute and appoint John W. McCalla of said County my true and lawful Attorney to sign my name to an appeal bond in a suit recently decided by the U.S. District Court at Frankfort in the case of Campbell, a Bond, against the Trustees of Louisville & Rowan & both of necessary. — Fs McLean"

Lexington Dec. 15th 1831 —

A copy Teste Jno W. Hanna C.C.C. K. F.

Jno Rowan moved the Court to docket and dismiss the writ of error in this cause which motion was opposed by Mr Loughborough of Counsel for the Defendants in Error and read in open Court the following affidavit to wit Fayette County Sct. of Kentucky Board &c vs Jno Rowan — Writ of error to Supreme Court of U.S. Personally appeared before me a Justice of the Peace in and for the County and State aforesaid Henry Bond one of the plaintiffs in the said suit who made oath that he had not a writ of error from Judge McLean one of the Justices of the Supreme Court of the U.S. to a decision of the Circuit Court in

Saturday January 8th 1853 Continued

in said Circuit in which said Beard & others were plffs and John Rowan was defendant. That early in the year 1852, the Summons upon said writ was served upon said Rowan as he is informed by the Marshal of Kentucky District and as he verily believes, and the said writ and Summons together with the Marshals return & an authenticated copy of the record were forwarded to Washington City in the case of the Hon. W. T. Barry who received the same in July last, and as he informed the person who forwarded them to him, filed the same in the Clerks office of the Supreme Court. He says that he employed P. L. Loughborough Esq. an Attorney at law in the Supreme Court to attend to the same who upon examination in said Clerks office, discovered that the record could not be found there. Of this your affiant was informed in December, and immediately an application was made at the office of the Clerk of the 7th Circuit Court in Kentucky for another copy of the record, in order to file it, together with a copy of the writ, Summons, return by Marshal, to supply as far as possible the deficiency occasioned by said loss. He states that in consequence, as he is informed and believes of the absence of the Clerk and his principal Deputy, and there being no person in care of said office who could furnish said copies or either of them, he has been unable to procure them. The Clerk is still absent, unless he has returned within a very few days, of which this affiant has no information. He is informed that he was to return July eight days. The gentleman who was formerly deputy in said office

Saturday January 18th 1834 Continued.

been appointed to a Clerkship in Greenup County Ky and who was the only person besides the principal who could furnish a copy of said record — Given under my Hand & Seal this 8th day of February 1833." — James E. Davis Clerk

In the Supreme Court of the U.S. January Term 1834. Board vs. Geo. Rowan — W.T. Barry states that he received in the City of Washington by mail from Geo. M. McCalla of Kentucky a record, with accompanying papers attached to it, of a suit at law decided in the Circuit Court of the U. States of the 7th Circuit & Kentucky District, between Board the plaintiff and Geo Rowan, defendant That said record was received by him sometime in the month of July 1832 or the preceding month. That said McCalla requested him to file the same in the office of the Clerk of the Supreme Court of the U. States That pursuant to the request he enclosed the record and papers attached to it in a cover addressed to the Clerk of the Supreme Court, and sent the same to him by the hands of the Assistant Messenger of the Post Office Department, William Jackson. — He states further that he wrote to the said McCalla in Kentucky shortly after the receipt of the record acknowledging the same, and informing him that his request respecting it had been complied with — W.T. Barry.

"Washington January 17. 1834. personally appeared before the undersigned a Justice of the Peace for the County of Washington W.T. Barry and made affi-

by him C. H. W. Wharton J. P. — stating that he paid writ of error was filed and docketed on the 23d day of December A. D. 1833 and now stands No 97 on the Calendar of this Court. On consideration whereof. It is ordered by the court that said motion be and the same is hereby overruled

31. Bank of the Metropolis — vs — Griffith & William Jones. — Mr Fendall of counsel for the defendant in error moved the court for leave to submit a written argument in this cause in behalf of the defendant in error and in reply to Mr Key — On consideration whereof. It is ordered by the court that leave be and the same is hereby granted as prayed for. —

12. Cohen Mitchell & Co's — vs — The United States — Mr Key of counsel for the appellee in this cause gave notice that he would on next Saturday move the court to continue this cause to the next term of this court. —

1 Edward Patterson Exr — vs — Appellt & United States — Mr Attorney General of counsel for the appellee in this cause gave notice that he would on next Saturday move the court to continue this cause to the next term of this court. —

Saturday January 6 1834 Continued.

3.	John Smith & Appt vs The United States	Mr Attorney General of Counsel for the Appellee in this cause gave notice that he would on next saturday move the Court to continue this cause to the next term of this Court.
7.	Charles Lecaze. Appt vs The United States.	Mr Attorney General of Counsel for the Appellee in this cause gave notice that he would on next Saturday move the Court to continue this cause to the next term of this court.
8.	Auguste Chouteau's Heirs vs The United States.	Mr Attorney General of Counsel for the Appellee in this cause gave notice that he would on next Saturday move the Court to continue this cause to the next term of this Court.
9.	Auguste Chouteau's Heirs vs The United States	Mr Attorney General of Counsel for the Appellee in this cause gave notice that he would on next Saturday move the Court to continue this cause to the next term of this Court.

Saturday January 8 1834 Continued –

11. James Mackay's heirs vs Appts The United States

Mr Attorney General of Counsel for the appellee in the cause gave notice that he would on next Saturday move the Court to continue this cause to the next term of this court –

11. Mackay & Kerry's heirs vs Appts The United States

Mr Attorney General of Counsel for the appellee in the cause gave notice that he would on next Saturday move the Court to continue this cause to the next term of this court.

12. The United States Appt vs Lindsey Hurst as –

Mr Attorney General of Counsel for the appellant in this cause gave notice that he would on next Saturday move the Court to continue this cause to the next term of the Court –

38. The United States Appt vs Francis & Julia Peirs –

Mr Attorney General of Counsel for the appellant in this cause gave notice that he would on next Saturday move the court to continue this cause to the next term of this Court. –

Saturday January 18 1834 Continued

84	The United States Appt vs Eneilio M. Gomez	Mr Attorney General Counsel for the appellant in this cause gave notice that he would on next Saturday move the Court to continue this cause to the next term of this Court.
85	The United States Appt vs George Flemmings Heirs	Mr Attorney General Counsel for the Appellant in this cause gave notice that he would on next Saturday move the Court to continue this cause to the next Term of this Court.
86	The United States Appt vs Joseph M. Hernandez	Mr Attorney General of Counsel for the appellant in this cause gave notice that he would on next Satur day move the Court to continue this cause to the next term of this Court. —
87	The United States Appt vs John Huerlas	Mr Attorney General of Counsel for the appellant in this cause gave notice that he would on next Saturday move the Court to continue this cause to the next term of this Court. —

58 The United States Appt
vs
Antonio Pueblas —

Mr Attorney General of Counsel for the appellant in this cause gave notice that he would on next day move the court to continue this cause to the next term of this Court. —

59 The United States Appt
vs
Moses C. Levy —

Mr Attorney General of Counsel for the appellant in this cause gave notice that he would on next day move the court to continue this cause to the next term of this court —

60 The United States Appt
vs
George I. I. Clarke —

Mr Attorney General of Counsel for the appellant in this cause gave notice that he would on next day move the Court to continue this cause to the next term of this court. —

91 The United States Appt
vs
Francis D Pastor's Heirs —

Mr Attorney General of Counsel for the appellant in this cause gave notice that he would on next day move the Court to continue this cause to the next term of this court. —

Saturday January 18 1834. Continued.

The United States Appt vs George L. F. Clarke	Mr. Attorney General of Counsel for the Appellant in this cause gave notice that he would on next Saturday move the Court to continue this cause to the next Term of this Court.
The United States Appt vs Felix H. Parsons	Mr. Attorney General of Counsel for the Appellant in this cause gave notice that he would on next Saturday move the Court to continue this cause to the next term of this Court
The State of Rhode Island & Providence Plantations vs Commonwealth of Massachusetts.	Mr. Webster of Counsel for the defendant in this suit having entered his appearance for said defendant now here moved the Court to continue this cause to the next term of this Court with leave to the defendant either to plead, answer or demur to said bill or to take such other course as Counsel may deem proper and expedient, on consideration whereof it is now here ordered by the Court that this cause be and the same is hereby continued to the next term of this Court with leave to the said defendant either to plead, answer or demur to said bill or to take such other course as counsel may deem proper.

Saturday January 18 1834 Continued

John Moulton Appellt vs Leonard Jarvis Admr	Mr Wirt of counsel for the appellant moved the court to fix a day certain for the

[illegible] It is ordered by the court that said motion be and the same is hereby overruled. —

Ches. & Ohio Canal Company vs Union Bank of Geo. Town	This cause was submitted to the consideration of the court by Mr Coxe of counsel for the plaintiff in Error and by Mr Key of counsel for the defendant in error on the question of jurisdiction

Ches & Ohio Canal Company vs John Mason	This cause was submitted to the consideration of the court by Mr Coxe of counsel for the plaintiff in Error and by Mr Key of counsel for the defendant in error on the question of jurisdiction.

[illegible] vs Howes Goldsborough	This cause was submitted to consideration of the Court by Mr Coxe of counsel for the plaintiff in Error and by Mr Key of counsel for the defendant in error on the question of jurisdiction. —

Saturday January 6 1834 Continued.

Bank of Alexandria	This cause having been
Pltff in Er.	called for argument under
Thomas Swann	the thirty sixth rule of this

Court and counsel not being prepared It is therefore ordered by the court that said cause be and the same is hereby put to the end of the docket

Charlotte M. Cunningham	Mr Williams having filed
Pltff in Er.	a suggestion of the death
James F. Hull	of James F Hull the

defendant in error since the last continuance of this cause, now here moved the court to continue the cause with leave to file the appearance of the heirs and representatives of the said James F Hull and for leave for them to appear as parties to and to defend this writ of error. whereupon It is ordered by the court that this cause be and the same is hereby continued with leave to file the appearance of the heirs and representatives of the said James F Hull and with leave for them to appear as parties to and to defend this writ of error accordingly.

George Menenke & Ux	This cause having been
Pltff in Er.	called for argument under
John Thompson	the thirty sixth rule of

this court and counsel not being prepared It is thereupon ordered by the court that said cause be and the same is hereby put to the end of

Saturday January 6 1834 Continued

	Reuben Wheeler Appellt	The argument of this cause
35	vs	was commenced by Mr Neale
	John Withers ----	for the appellant continued

by Mr Crane for the appellee and concluded by Mr Neale for the appellant.

	Thomas Reynolds Exr &c Pltff in Er	Mr Lee of counsel for the
36	vs	plaintiff in error moved
	John Stumph's Exrs	the court to order the Clerk

to strike out and set aside the order passed postponing this cause to the first of the docket and to continue the same - Whereupon it is ordered by the court that said motion be and the same is hereby ----- Over -----

	Alexander McCall - Appellt	Mr Swann of counsel for
40	vs	the appellees moved the
	John McLean's Heirs	court for leave to suggest

[illegible] in this cause or words to that effect - Whereupon it is ordered by the court that leave be and the same is hereby granted him as prayed for. -

	The Ohio Canal Company	Mr Swann of counsel for
27	vs	the plaintiff in error in this
	Union Bank of Georgetown	cause prayed the court to hear

him on the question of jurisdiction - Whereupon it is ordered by the court that he have leave to submit his written argument on the said question of

Saturday January 6 1834 Continued

28.	Ches. & Ohio Canal Company vs Jeffries & al.	Mr. Brown of counsel for the Plaintiffs to come in when [illegible]

[illegible] now here in the matter of jurisdiction whereupon it is ordered by the Court that he have leave to submit a written argument on said question of jurisdiction.

29.	Ches. & Ohio Canal Company vs Jeffries & al. Thomas Gardiner & al.	Mr. Brown of counsel for the plaintiffs moves the Court for leave to be heard on the question of jurisdiction. Whereupon it is ordered by the Court that he have leave to submit a written argument on the said question of jurisdiction.

30.	Thos. Mueller &c vs Benners & Lewis	Mr. Brown of counsel for the defendants moves the Court to dismiss this cause for want of jurisdiction. Whereupon it is ordered by the Court that the consideration of said motion be and the same is hereby postponed.

On motion of Mr. Brown it is ordered that Henry W. Ewing of the State of Ohio be admitted practice as an Attorney and Counsellor of this Court and he is admitted accordingly.

Saturday January 6th 1834 Continued

William Yeaton vs	Mr Cox of counsel for the
}	appellee in this cause moved
Isaac Lewis et al	the court to dismiss the appeal

which was objected by Mr Stark & Lewis of counsel for the appellant whereupon it is ordered by the court that said motion be and the same is hereby overruled.

On motion Ordered by the Court that this court do adjourn until Monday morning at eleven o'clock.

Monday January 26 1834.

Pursuant to adjournment the Court met this m
at the Capitol

Present

The Honorable John Marshall Chief
Justice &c.

The Honorable	Smith Thompson	Gabriel
	Wm. D. Lane	Joseph
	Henry Baldwin	

Henry Ashton Esquire Marshal
William Thomas Carroll Clerk

Proclamation being made the Court is open

On motion first made to the Court in this cause
& Writ it is ordered that William Fillmore
Dickson and Orsamus Marcellus Esquires of the State
of New-York and Herman Allen Esquire of the State
of Vermont be admitted to practice as Attorneys
Counsellors of this Court and they were severa
sworn accordingly —

The United States	The argument of
38 vs	was commenced by
Leonard Harris et al	& left for the

the adjournment and concluded by Mr Mayer for the
the Court. —

Alexander McClung Appellt vs John McEwen Exrs --	On appeal from the Circuit Court of the United States for the District of West Tennessee.

Mr Swann of counsel for the appellees filed and read in open Court the following Suggestion in writing, viz:

"The undersigned counsel for the defendants suggests for termination of the record in this case - The deed of conveyance from the Commissioners of Bankruptcy, to John McEwen of day of 1803 for said tract of land of 3000 acres in dispute with others in all 33000 acres for the benefit of the Creditors of Josiah Watson [illegible] - The Bill and answers in said cause is not included in the record of the cause sent up to this court - also the deed of conveyance from John McEwen to John Childress, dated the 11th July 1817 for the said tract of land of 3000 acres in dispute, referred to in John McEwens answer in said cause, is not included in said record. - Both of those deeds were before the Court and used on the trial of the cause in the Circuit Court - The undersigned therefore prays this Honble Court that a writ of Certiorari may issue to the Circuit Court from which [illegible] to the end that the said two deeds to be duly certified to this Court.

Jany 18- 1834. - "G W Campbell"

For reason of which omissions and errors as aforesaid the said Counsel now here moved the Court to award a writ of certiorari to be directed to the Judges of the Circuit Court of the United States for the

Monday January 26th 1834 Continued.

searching the records and proceedings of said Circuit Court in this cause they should certify to this Court under the seal of the said Circuit Court what ever omissions and errors they shall find - for further consideration thereof, it is now here ordered and adjudged by this Court that a writ of Certiorari be and the same is hereby awarded to the Sheriff forthwith to be directed to the Sheriff of the said Circuit Court commanding him to certify under the Seal of said Court whatever omissions and errors shall be found in the record and proceedings aforesaid with the true intent of certiorari forthwith to this Court. -

John Courtenay Appt
vs
Isaac D'Oyley Dft

This cause having been [illegible] of the last term and coming on to be heard this day upon the motion of the Appellant and the Counsel not being prepared - It is therefore ordered by the Court that this cause be and the same is hereby fixed to the first day of the next

The Church Wardens of the Parish of [illegible]
vs
Isaac Hopkins Jr.

[illegible] of the last term and coming on to be heard this day upon the motion of the Appellant and having suggested to the Court the unavoidable absence of the Counsel for the Appellant and moved the Court to strike out and cause to be struck out the [illegible] made in this cause on the first day of the

27th instant (postponing this cause to the foot of the docket — Whereupon it is considered and ordered by the Court that the counsel Shall come to argue this cause on monday next the 27th instant if they are then prepared to proceed, and that otherwise the said order of postponement must stand and continue in force.

20. Adam Wyatt Jun. Libellant of the Ship Nassau. 356 tons
vs
The Ship Nassau &c claimt

Mr. Mercer of counsel for the Libellant in this cause having suggested to the Court the indisposition of the counsel for the Libellees moved the Court to strike out and reinstate the cause in this cause on a friday of the present term of this Court Court. on Friday last the 17th instant Postponing this cause to the foot of the docket. Whereupon it is considered and ordered by the Court that the counsel Come to argue this cause on monday next the 27th instant if they are then prepared to proceed and that otherwise the said order of postponement must stand and continue in force.

21. Bank of the United States
vs
John J. Ritchie &c vals

The argument of this cause was commenced by Mr. Coxe for the defendant and continued by Mr. Marbury for the defendants.

The argument being not concluded the Court adjourned until tomorrow morning at eleven o'clock

Tuesday January 21 1834.

[illegible]

[illegible]

Henry Ashton [illegible]
William Thomas Carroll [illegible]

[illegible]

On motion First made to the Court in this behalf by Mr Gillett - It is ordered that William Henry Rawle of the State of New York be admitted to practice as an Attorney and Counsellor of this Court and he was sworn accordingly

On motion First made to the Court in this behalf by Mr Rawle - It is ordered that Thomas Tilford of the State of Kentucky be admitted to practice as an Attorney and Counsellor of this Court and he was sworn accordingly -

William Caldwell Esqr	Mr Hamilton of Counsel for	
43. vs Appeals	the Appellants having by	
Paul Carrington Exr.	petition to the Court the death	

the appellants in this appeal since the last continuance of this cause now here moved the Court for leave to file the affidavit of the heirs of the said Samuel Brents deceased - Whereupon it is considered and ordered by the Court that leave be and the same is hereby granted to the heirs of the said Samuel Brents deceased, to file their affidavit and to prosecute this appeal as the assignees with William and Isaac Calmell

41. The Bank of the United States vs Wm Pitchlynn Jr. et al

The argument of this cause was continued by R. Harbury for the appellees and concluded by J. McLean for the appellant.

42. George W. Bruce et al vs Jeffs is to Commonwealth Bank of Kentucky

The argument of this cause was commenced by Mr. White for the plaintiffs in Error and continued by R. Harrison for the defendant in Error

Proclamation being made the Court is adjourned until tomorrow morning at eleven o'clock. -

Wednesday January 22 1834

Pursuant to adjournment the Court met this morning at the Capitol

Present

[illegible]

[illegible]

Henry Baldwin

Henry Ashton Esqr. Marshal

William Thomas Carroll Crier

Proclamation being made the Court is opened

On motion, ordered that the Court in this cause of Mc Knight - It is ordered that William Thomas Esquire of the State of New York be admitted to practice as an attorney and counsellor of this Court and to argue in this cause

Martin Livingston Appellant vs Henry Clarke et al	In consideration of the motion made in this cause on the [illegible] day of the present term of this Court, Ordered, that the 17th instant be assigned for the argument of said motion and which was submitted to the consideration of the Court by the Counsel for both appellants and appellees this cause coming on to be heard by the Court and the same being argued by Counsel

Wednesday January 22 1834 Continued

George H. Kinsman vs vs [illegible] with Bank [illegible]	The argument of this cause was continued by Mr. Key and Bibb for the defendant in Error and by Mr. Webster for the Plaintiffs in Error

[illegible] was made for the Court to adjourned until tomorrow morning at eleven O'clock

Thursday January 23 1834.

Pursuant to adjournment the Court met this morning at the Capitol

Present

The Honorable John Marshall Chief Justice

Mr Justice	Joseph Story Gabriel Duvall John McLean Henry Baldwin	absent [illegible]

[illegible]
William Thomas Carroll Clerk

Proclamation being made the Court is opened

On motion [illegible] it is ordered that Hudley Tatum Esq of the State of New York be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly

15	James Brown Appt vs Hugh M Blake	On appeal from the Circuit Court of the United States for the District of West Tennessee

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of West Tennessee and was argued by Counsel - On consideration whereof it is ordered adjudged and decreed by this Court that upon the full payment by the said Blake

proceedings and due to the payment of the said Crown against the said Blake in the proceedings mentioned or so much thereof as has not been already received by the said Crown in satisfaction thereof the said money to be paid to the said Crown forthwith or brought into the Current Court for the use and the estate right title and interest in the said tract of land in the proceedings mentioned which was vested in the said Crown in by the said order as also by James Billain bearing date the twenty first day of August 1833 in the proceedings mentioned and under and in virtue of the judgment of the said Crown herein in the same as in the same proceedings mentioned ought to be and hereby is declared to be revested in and reconveyed to him the said Blake and his heirs and assigns in the same manner as if the same tract of land had not been sold to satisfy the judgment of the said Billain in the proceedings mentioned – and it is further ordered adjudged and decreed that the said Crown upon the payment of the said money as aforesaid to forthwith by a sufficient deed and conveyance convey the same estate right title and interest in and to the same tract of land to the said Blake and his heirs and assigns accordingly. And it is further ordered adjudged and decreed that upon the payment of the said money as aforesaid all further proceedings in the action of ejectment brought for the recovery of the said tract of land in the proceedings mentioned be and the same are hereby forbidden and stayed and that in the meantime and until such payment no further proceedings be had in the said

Thursday January 23 1834 Continued. –

adjudged and decreed that the decree of the Circuit Court be for and it differs from the decree be and the same is hereby reversed and that in lieu thereof decree be and is hereby affirmed – and that this cause be and the same is hereby remanded to the Circuit Court for further proceedings according to the present decree and effect. – Wm. Fenwick Esq.

Margaret Keith George Eden Thomas Peter and James M. Beverly and Jane his wife Elizabeth Peter William Peter Hamilton Peter and James Peter heirs of James Peter deceased

Stephen D. Beach and John [illegible] James D. Davis

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the district of Columbia holden in and for the County of Washington and was argued by counsel on consideration whereof, it is the opinion of this Court that there is no error in the decree of the Circuit Court in this cause – Whereupon it is ordered decreed and decreed by this Court that the decree of the said Circuit Court in this cause be and the same is hereby affirmed with costs and interest at the rate of six per cent per annum

31 The Farmers and Mechanics of the Bank of Alexandria vs William Jones

On the transcript of the record of the Circuit Court of the United States for the District of Columbia holden in and for the County of [illegible]

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of Columbia holden in and for the County of Washington and was argued by counsel. On consideration whereof, it is ordered and adjudged by this Court that the judgment of the said Circuit Court in this cause be and the same is hereby reversed and that this cause be and the same is hereby remanded to the said Circuit Court for further proceedings to be had therein according to law and justice and in conformity to the opinion of this Court. -

Ths. Todd

43 The United States plff vs William Lacon Jones & Richard Alsop & Jones Deft -

On a certificate of division in opinion between the Judges of the Circuit Court of the United States for the District of New York. -

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of New York and upon the [illegible] on behalf of the United States that the matters in controversy in this cause had been agreed and settled between the parties in which [illegible] appeared

Thursday January 23 1834 Continued.

be and the same is hereby discharged and that the cause be and the same is hereby stricken from the docket of this Court. [illegible]

42. George H. Bissell vs. vs. Cincinnati Franklin Bank of Paris

The argument of this cause was concluded by Mr. Bell for the plaintiff in error.

43. William Cincinnati vs. vs. Paul Carrington et al

Mr. Harrison moving for the appearance of Franklin Bank of Kentucky and the same was ordered to be entered of record.

And the same being now argued by counsel it is ordered that the said Franklin Bank be and he is hereby made a party to this appeal and leave is granted to prosecute the same with his co-defendants.

43. William Cincinnati vs. vs. Paul Carrington et al

On motion of Mr. Harrison of counsel in the above cause it is ordered by the Court that leave be and the same is hereby granted him to submit his argument on the part of the appellants to the consideration of the Court upon a printed argument.

Thursday January 21st 1836 Continued

[illegible]	It is ordered by the Court that this cause be and the same is hereby set down for argument tomorrow
as	
Henry Clarke Def	

[illegible]	Rule for argument entered the thirty sixth rule of the Court and no counsel appearing. It is thereupon ordered by the Court that this cause be and the same is hereby fixed to the foot of the docket
as	
William Kennon Jun	

Thos Apsall	Upon the suggestion with it is of Counsel for the Appellees in this cause. It is ordered by the Court that this cause be and the same is hereby postponed till tomorrow.
as	
Clarendon Harbaugh Def	

Bank United States Appt	On motion of Mr Key one of counsel for the Appellants in this cause and by consent of Messrs Ewing and Binney of counsel for the Appellees in error. It is ordered by the Court that this cause be and the same is hereby [illegible]
vs	
Andrew Donaldson	

Thursday January 25th 1821 Continued

47 | Henry Foggo Plff in Er. vs Elijah Gaines & wife Defts | This cause coming on to be heard on the Docket of the Court and Counsel not being prepared. It is therefore ordered by the Court that this cause be and the same is hereby postponed to the foot of the Docket.

48. | William Hebron Plff in Er. vs William Noble's admrs | This cause coming on to be heard on the thirty sixth rule of this Court and Counsel not being prepared. It is thereupon ordered by the Court that this cause be and the same is hereby postponed to the foot of the docket

49 | The Mayor &c of the City of New York Plffs vs Henry Wells | The argument of this cause was commenced by Mr Peyton for the Plaintiffs, and continued by Mr Jones for the Defendant

50 | Ralph [illegible] Robertson & Scott, Riley & Moore Exrs of Simmes Exrs of Robt Mount & Virgil Caroline Simmes & Wm Riddle & Benjamin Beeson Defts vs Elijah Gaines Deft in Er. & Roderick Barret ... | This appeal from the Circuit Court of the United States for the District of Columbia holden in and for the County of Alexandria. This cause coming on to be heard on the transcript of the record

of the United States for the District of Columbia holden in and for the County of Alexandria and was argued by counsel. On consideration whereof it is the opinion of this Court that the decree of the said Circuit Court upon the circumstances of the case should be reversed for the want of a bill and that the cause should be remanded to the said court with directions to allow a bill to be filed and to proceed thereon according to law. Whereupon it is ordered adjudged and decreed by this Court that the decree of the said Circuit Court in this cause be and the same is hereby reversed for want of a bill and that this cause be and the same is hereby remanded to the said Circuit Court with directions to allow a bill to be filed in this cause and to proceed thereon according to law.

P. V. Daniel for the Court

Joseph Kennedy, John Jackson, Samuel Somes, James F. Scott, Thomas Mon. Thos Semmes, Thos Mount Hugh Caroline Semmes & Rachel Benjamin Baden-Appellants

vs

Alexander Gangeler

On appeal from the Circuit Court of the United States for the District of Columbia holden in and for the County of Alexandria

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of Columbia holden in and for the County of Alexandria and was argued by counsel. On consideration whereof it is the opinion of this Court that the decree of the said Circuit Court upon the circumstances of the case should be reversed for the

Thursday January 23 1834 Continued

to the said court with directions to allow the bill to be filed and to proceed therein according to law the decree of the said Circuit Court in the cause is therefore reversed for want of a bill and that this cause be and the same is hereby remanded to the said Circuit Court with directions to allow a bill to be filed in this cause and to proceed therein according to law — And it is ordered that the mandate

Joseph Mandeville &c. vs. Jackson Lewis Simms James I. Scott Alexander Moore &c. Simms Wm. Mount, Hugh Carolan, Samuel Riddle & Benjamin Linden

On appeal from the Circuit Court of the United States for the District of Columbia holden in and for the County of Alexandria

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of Columbia holden in and for the County of Alexandria and was argued by counsel On consideration whereof it is the opinion of this court that the decree of the said Circuit Court in this cause should be reversed for the want of a bill and that the cause should be remanded to the said court with directions to allow a bill to be filed and to proceed therein according to law - Whereupon it is considered ordered and decreed by this court that the decree of the said Circuit Court in this cause be and the same is hereby

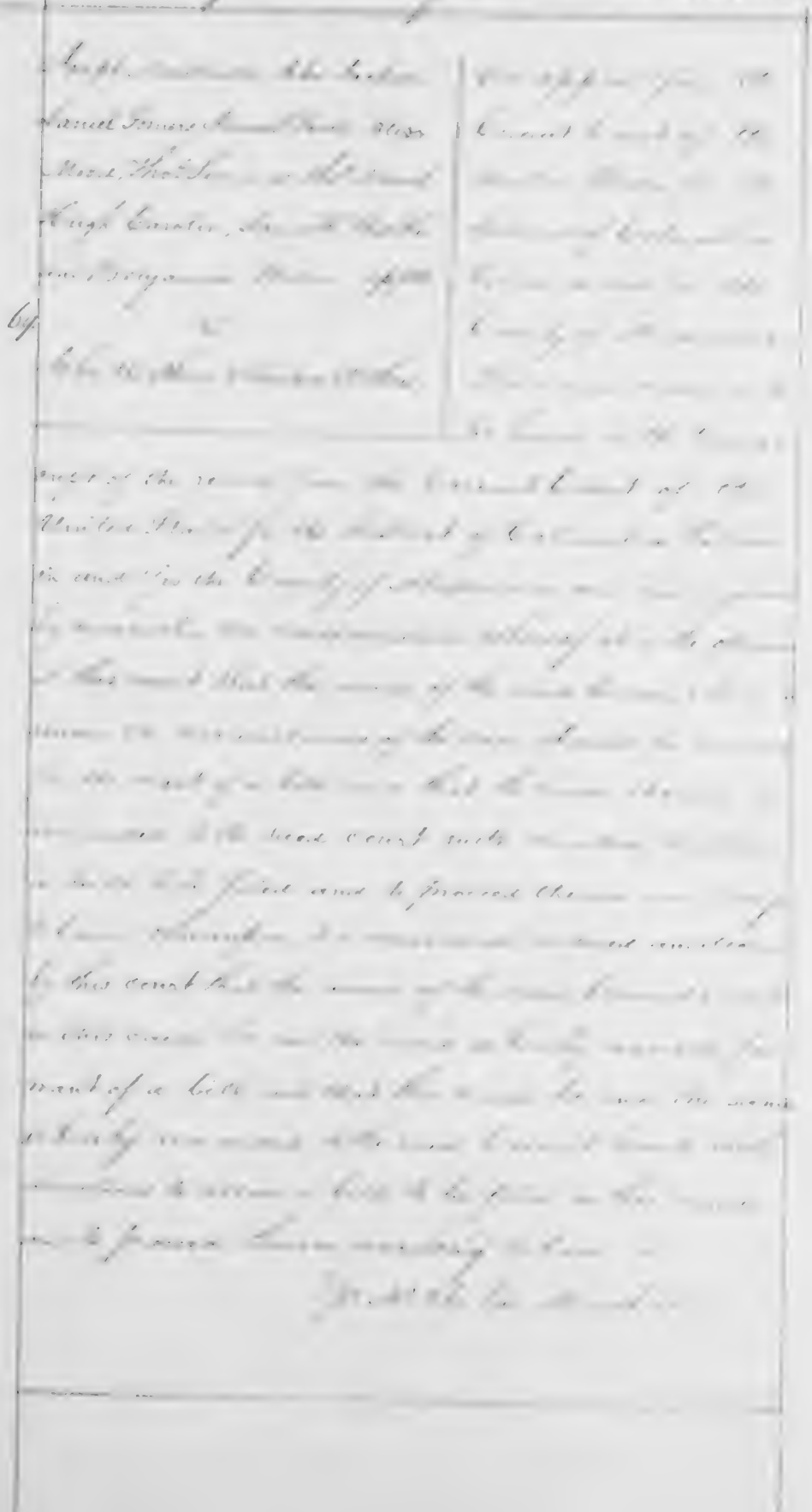
Thursday January 23 1834. Continued -

and the same is Hereby remanded [illegible]
Court with [illegible]
[illegible]
[illegible]
[illegible]

Jno. M. Clerk

[illegible] the Justices
[illegible]
[illegible]
[illegible]

Thursday January 23. 1834. Continued.



Thursday January 23 1834 Continued

Joseph Hardcastle & Wm Jackson
Daniel Somes James L Scott Alex
Moore, Thos Semmes, Thos Mount
Hugh Carolan, James R Rives
& Benjamin Rabon Appts

vs

Nicholas C. Hasson admr of
Thomson F. Mason decd

On appeal from the Circuit
Court of the United States
for the District of Columbia
holden in and for the County
of Alexandria

This cause came on to be
heard on the transcript of
the record from the Circuit
Court of the United States
for the District of Columbia holden in and for the County
aforesaid and was argued by counsel on consideration
whereof it is the opinion of this Court that the decree of the
said Circuit Court under the circumstances of the case
ought to be reversed for the want of a bill and that the
cause should be remanded to the said Court with direc-
tions to allow a bill to be filed and to proceed thereon
according to law — Whereupon it is considered, ordered and
decreed by this Court that the decree of the said Circuit
Court in this cause be and the same is hereby reversed
for want of a bill and that this cause be and the same is
hereby remanded to the said Circuit Court with direc-
tions to allow a bill to be filed in the cause and to proceed
thereon according to law — Jno. Mc. Kinley Justice

Preliminaries being made the Court is adjourned
until tomorrow morning at eleven o'clock —

Friday January 24 1834.

[illegible]

[illegible]

[illegible]

Friday - January 24 1834 Continued.

[illegible] in New York instead of on
[illegible] per cent. — "P. M. for the Complain"

[illegible] Chesapeake and Ohio
Canal Company —
vs Writ of Error to the Circuit Court
of the United States for the
[illegible] Bank of
Georgetown — — District of Columbia holden
in and for the County of
Washington

This cause came on to be heard
on the transcript of the record from the Circuit Court
of the United States for the District of Columbia holden
in and for the County of Washington and was argued
by counsel On consideration whereof it is considered
ordered and adjudged by this court that this writ of
error be and the same is hereby dismissed for the want
of jurisdiction. — "P. M. for the Marshall"

[illegible] on the
Canal Company —
vs Writ of Error
the [illegible] as on — —
to the Circuit Court
of the United States for the
District of Columbia holden
in and for the County of
Washington.

This cause came on to be heard on the transcript of the record
from the Circuit Court of the United States for the District of
Columbia holden in and for the County of Washington and was
argued by counsel On consideration whereof it is considered,
ordered and adjudged by this court that this writ of error be and the
same is hereby dismissed for the want of jurisdiction. —

Friday January 24 1834 Continued

The Chesapeake and Ohio Canal Company — vs [illegible] Galbraith	In Error to the Circuit Court of the United States for the District of Columbia holden in and for the County of Washington. — This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of Columbia holden in and for the County of Washington and was argued by counsel. On consideration whereof it is considered ordered and adjudged by this Court that this writ of error be and the same is hereby dismissed for the want of jurisdiction.	

The Mayor &c of the City of New York — Appts vs George Miln —	The argument of this cause was continued by Mr Wirt for the defendant and concluded by Mr Ogden for the plaintiff

Walter Lawrence Appt vs Henry Clark &c	The argument of this cause was commenced by Mr Hunter for the appellants

Proclamation being made the Court is adjourned until tomorrow morning at eleven o'clock —

Saturday January 25th 1834

Pursuant to adjournment the court met this morning at the Capitol

Present

The Honorable	John Marshall	Chief Justice
The Honble	Joseph Story Smith Thompson John McLean Henry Baldwin	Associate Justices

Henry Ashton Esquire Marshal
William Thomas Carroll Clerk

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by D. Dehon. It is ordered that Harry Toup Esquire of the State of Mississippi be admitted to practice as an Attorney and Counsellor of this Court and he was sworn accordingly

On motion first made to the Court in this behalf by W. Dyer - It is ordered that William A Graft Esquire of the State of New York be admitted to practice as an Attorney and Counsellor of this Court and he was sworn accordingly.

Saturday January 25 1834 Continued

51 The Bank of [illegible] vs. [illegible] Appeal from the Circuit Court of the United States for the District of Maryland

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of Maryland and was argued by counsel On consideration whereof it is ordered adjudged and decreed by this Court that this appeal be and the same is hereby dismissed for the want of jurisdiction in this Court.

52 Joseph Manderville vs. [illegible] Appeal from the Circuit Court of the United States for the District of Maryland

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of Maryland and was argued by counsel On consideration whereof it is ordered adjudged and decreed by this Court that the decree entered in this cause on a former day of the present term of this Court be and the same is hereby affirmed with costs.

53 Joseph [illegible] vs. [illegible] Appeal from the Circuit Court of the United States for the District of Maryland

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of Maryland and was argued by counsel On consideration whereof it is ordered adjudged and decreed by this Court that the decree entered in this cause on a former day of the present term of this Court be and the same is hereby affirmed with costs.

Saturday January 23 1836 Continued

This court hears at Thursday the 23d instant Whereupon this court not being now fully informed of and concerning what order to make in the premises doth hereby order that the consideration of the said motion be and the same is hereby postponed. -

Joseph Manneville and wife Plaintiffs vs The Right Southgate	Mr Lee of counsel for the appellants in this cause now here moved the court to remand the decree entered in this cause on Saturday of the present term of this court which was on Thursday the 23d instant Whereupon this court not being now here sufficiently advised of and concerning what order to make in the premises doth hereby order that the consideration of the said motion be and the same is hereby postponed

Joseph Manneville and wife Plaintiffs vs Frances Reeves admr	Mr Lee of counsel for the appellants in this cause now here moved the court to remand the decree entered in this cause on Saturday of the present term of this court which was on Thursday the 23d instant Whereupon this court not being now here sufficiently advised of and concerning what order to make in the premises doth hereby order that the consideration of the said motion be and the same is hereby postponed

Saturday January 23 1836 Continued

Joseph Mandeville use vs Appls Shw & Reuben Ly others.	Mr Lee of counsel for the appellants in this cause now here moved the Court to amend the decree entered in this cause on a prior day of the present term of this Court to wit on Thursday the 23d instant Whereupon this Court not being now here sufficiently advised of and concerning what order to make in the premises doth hereby order that the consideration of the said motion be continued

[illegible]	[illegible]

in this cause on a prior day of the present term of this Court to wit on Thursday the 23d instant And this Court not being now here sufficiently advised of and concerning what order to make in the premises doth hereby order that the consideration of said motion be and the same is hereby continued

Shw and Curtis Ballon for use &c - Appellants vs Richard I Nicholls Francis Scilly & Richard Richardson,	On writ of error to the District Court of the United States for the District of Georgia Mr Berrien of Counsel for the defendants in Error in this cause having filed and read in open Court the

Court of the United States for the District of Georgia in the following words to wit

"In the 6th Circuit Court United States District of Georgia — John V Curtis Bolton for use &c — vs Richard A. Nichols, Francis Wells & Richard Richardson Survivors — Issue to March T. 1825. — I George Glen Clerk of the Sixth Circuit Court of the United States in the District of Georgia do hereby certify, that the above cause, was tried in the said Court, in the term of May one thousand eight hundred and thirty two, and that from the Judgment rendered therein a writ of error to the Supreme Court of the United States was duly sued out and issued in behalf of the plaintiffs on the twenty sixth day of July in the year one thousand eight hundred and thirty three —

Given under my hand and seal of office this first day of January one thousand eight hundred and thirty four

Geo: Glen Clk —

Now this moved the Court under and in pursuance of the 39th rule of this court to have this cause docketed [illegible] and adjudged by this Court that this writ of error to the Circuit Court of the United States for the District of Georgia be and the same is hereby dismissed with costs and damages —

By Mr Ch. Jus Marshall Clk

[illegible] Urlequin — vs — Jeffers &.	Mr Hoyt of counsel for the defendants in error in this cause having suggested the
Chs N. L Arny Val —	

[illegible]

Saturday January 23 1834 Continued

moved the court to fix a day certain for the argument of the same On consideration whereof It is ordered by the court that said motion be and the same is hereby overruled

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Peter the Elder Plaintiff
vs
Benjamin L Lewis Defendant

Leave to file petition

Pending this motion and filed letters testimonium now here moved the court for leave to George Bomford administrator de bonis non of Benjamin L Lewis dec'd to appear and defend this appeal - On Consideration whereof It is ordered by the court that leave be and the same is hereby granted to the said George Bomford, administrator de bonis non of Benjamin L Lewis dec'd to appear and defend this appeal --

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Colin Mitchell Val. Appellt
vs
The United States

Mr Attorney General on behalf of the Appellees moves the Court

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to the next term of this court, now this proceeded to argue in support of said motion to which Mr White of counsel for the appellants in opposition to a continuance - Whereupon it is ordered by the court that said cause be and the same is hereby postponed to the next term

Saturday January 25 1834 Continued

The United States Appt 52 vs [illegible]	Mr Attorney General on behalf of the Appellant having moved the Court to continue this cause to the [illegible]

now here proceeded to argue in support of said motion to which Mr White of Counsel for the appellee replied in opposition to a continuance — Whereupon it is ordered by the court that said cause be and the same is hereby postponed to Monday next. —

The United States Appt vs Francis P Yates's Heirs —	Mr Attorney General in behalf of the appellant having moved the court to continue this cause to the [illegible]

now here proceeded to argue in support of said motion to which Mr White of Counsel for the appellee replied in opposition to a [illegible] Whereupon it is ordered by the Court that said cause be and the same is hereby postponed to Monday next. —

The United States Appellt vs Eusebius M Tomey —	Mr Attorney General on behalf of the appellant having moved the court to continue this cause to the next

Term of this court now here proceeded to argue in support of said motion to which Mr White of Counsel for the appellee replied in opposition to a continuance — Whereupon it is ordered by the court that said cause be and the same is hereby postponed to Monday next. —

Saturday January 28 1834 Continued.

81	The United States Appellt vs George Flemming's Lessee	Mr Attorney General on behalf of the Appellt having moved the court to continue this cause to the next term of this court now here proceeded to argue in support of said motion whereupon it is ordered by the court that said cause be and the same is hereby postponed to Monday next

82	The United States Appellt vs Joseph M. Hernandez	Mr Attorney General on behalf of the appellant having moved the court to [illegible] next term of this court now here proceeded to argue in support of said motion whereupon Mr White of Counsel for the appellee replied in opposition to a continuance Whereupon it is ordered by the court that said cause be and the same is hereby postponed to Monday next

83	The United States Appellt vs [illegible] Heirs &c	Mr Attorney General on behalf of the appellant having moved the court to continue this cause to the next term of this court now here proceeded to argue in support of said motion whereupon Mr White of Counsel for the appellee replied in opposition to a continuance Whereupon it is ordered by the court that said cause be and the same is hereby postponed to Monday next

Saturday January 25. 1834 Continued.

88 The United States Appellt
vs
Antoine Hurtado

Mr Attorney General in behalf of the Appellant having moved the Court to continue this cause to the next term of this Court, now here proceeded to argue in support of said motion to which Mr White of counsel for the Appellee replied in opposition to a continuance. Whereupon it is ordered by the Court that said cause be and the same is hereby postponed to monday next.

89 The [illegible] Appellt
vs
Moses E Levy

Mr Attorney General in behalf of the Appellant having moved the Court to continue this cause to the next term of this Court now here proceeded to argue in support of said motion to which Mr White of counsel for the Appellee replied in opposition to a continuance. Whereupon it is ordered by the Court that said cause be and the same is hereby postponed to monday next.

90 The United States Appellt
vs
George F. Clarke

Mr Attorney General in behalf of the Appellant having moved the Court to continue this cause to the next term of this Court now here proceeded to argue in support of said motion to which Mr White of counsel for the Appellee replied in opposition to a continuance. Whereupon it is ordered by the Court that said cause be and the same is hereby postponed to monday next.

Saturday January 23 1836 Continued.

pl The United States Appellants
vs
Francis W. Pickens Esqr

Mr Attorney General on behalf of the appellants moved the Court to continue the cause to the next term of this Court when he proceed to argue in support of his motion which was ordered by the Court that the cause be continued accordingly

pl The United States Appellants
vs
Francis W. Pickens Esqr

Mr Attorney General on behalf of the appellants moved the Court to continue the cause to the next term of this Court when he proceed to argue in support of his motion to which Mr Clark of counsel for the appellee objected & a continuance thereupon it is ordered by the Court that the cause be continued accordingly

pl The United States Appellants
vs
George S. Gibbes

Mr Attorney General on behalf of the appellants having moved the Court to continue the cause to the next term of this Court when he proceed to argue in support of his motion to which Mr Clark of counsel for the appellee objects & a continuance thereupon it is ordered by the Court that the cause be continued accordingly

Saturday January 23 1836 Continued

Antoine Soulard Appellt vs The United States	Mr Attorney General of counsel for the appellee in this cause now moves the Court to continue the cause to the next term of this court whereupon the court not being now here sufficiently advised of and concerning what order to make in the premises doth order that the same be held under advisement
The Smith's Appellt vs The United States	Mr Attorney General of counsel for the appellee in this cause now here moved the court to continue this cause to the term of this court whereupon this court not being here sufficiently advised of in concerning what order to make in the premises doth order that the same be held under advisement.
Charles de Belloni Appellt vs The United States	Mr Attorney General of counsel for the appellee in this cause now here moved the court to continue this cause to the next term of this court whereupon this court not being now here sufficiently advised of and concerning what order to make in the premises doth order that the same be held under advisement.

Saturday January 25 1834 Continued

Augustus Choutteau Esqr.	Mr. Thomas Harris not
vs	counsel for the appli
The Circuit Court	

to continue this cause to the next term of this Court whereupon this Court not being now sufficiently advised of and concerning what order to make in the premises doth order that the same be held under advisement.

Augustus Choutteau Esqr.	Mr. Thomas Harris not
vs	counsel for the appli
The Circuit Court.	

Court to continue this cause to the next term of this Court. Whereupon this Court not being now sufficiently advised of and concerning what order to make in the premises doth order that the same be held under advisement.

James Mackay Esqr.	
vs	
The Circuit Court	

to continue this cause to the next term of this Court. Whereupon this Court not being now sufficiently advised of and concerning what order to make in the premises doth order that the same be held under advisement.

Saturday January 28 1834. Continued —

[illegible] moved the court to continue this cause to the next Term of this Court. Where upon the Court not being now here sufficiently advised of and concerning what order to make in the premises doth order that the same be held under advisement. —

Proclamation being made the Court is adjourned until Monday morning at eleven oclock. —

Monday January 27 1834.

Pursuant to adjournment the Court met this morning at the Capitol

Present

The Honorable John Marshall Chief Justice
Joseph Story
The Hon'ble Smith Thompson
Henry Baldwin
Gabriel Duvall
Esquires Associate Justices

[illegible]

On motion ordered that the motion of

On motion ordered that the motion of this day made by Mr Attorney General - It is ordered that James A Roosevelt Jr Esquire of the State of New York be admitted practice as an Attorney and Counsellor of this Court and he was accordingly admitted

Colin Mitchell and Appellants vs The United States —	The motion of the Attorney General is continued to this cause to the next term of this Court and further argued by Messrs White and Berrien of Counsel for the Appellants on the part of the

Monday January 27 1834 Continued.

82	The United States Appellants vs Antonio Romulus	The motion of the Attorney General to continue this cause to the next term of this Court was further argued by Messrs White and Berrien of Counsel for the appellees in opposition thereto.

83	The United States Appellants vs Francis P Fabian's heirs	The motion of the Attorney General to continue this Cause to the next term of this Court was further argued by Messrs White and Berrien of Counsel for the appellees in opposition thereto.

84	The United States Appellants vs Lewelen McTomery	The motion of the Attorney General to continue this cause to the next term of this Court was further argued by Messrs White and Berrien of Counsel for the appellees in opposition thereto.

85	The United States Appellants vs George Flemming's heirs	The motion of the Attorney General to continues this cause to the next term of this Court was further argued by Messrs White and Berrien of Counsel for the appellees in opposition thereto.

Monday January 27 1834 Continued

85.	The United States Appt vs Joseph M. Hernandez	The motion of the Attorney General to continue this cause to the next term of this Court was further

argued by Messrs White and Berrien of counsel for the appellee in opposition thereto —

86.	The United States Appt vs [illegible]	The motion of the Attorney General to continue this cause to the next term of the Court was further

argued by Messrs White and Berrien of counsel for the appellee in opposition thereto —

88.	The United States Appts vs [illegible]	The motion of the Attorney General to continue this cause to the next term of the Court was further

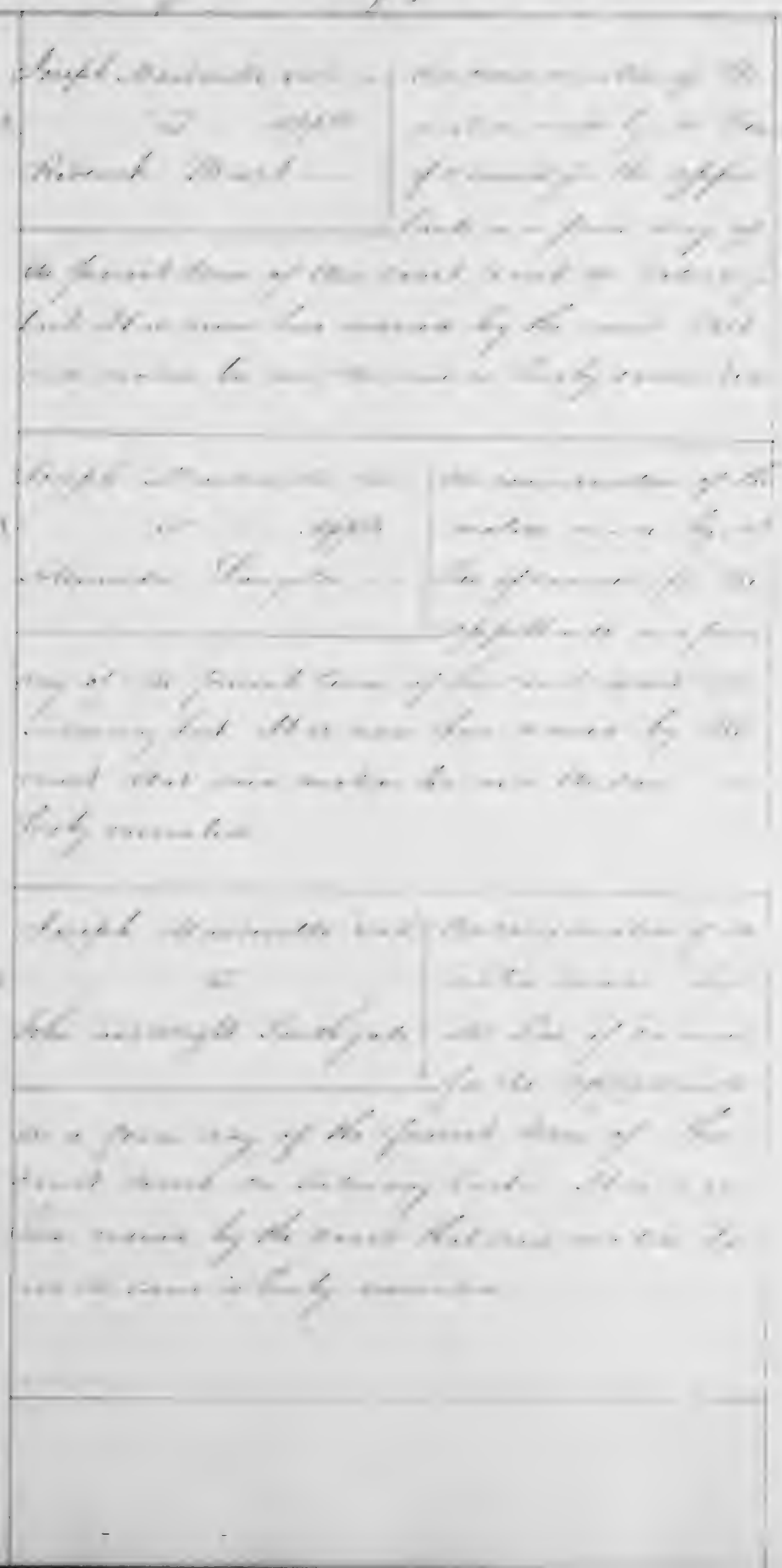
argued by Messrs White and Berrien of counsel for the appellee in opposition thereto —

89.	The United States Appts vs Moses E. Levy	The motion of the Attorney General to continue this cause to the next term of the Court was further

argued by Messrs White and Berrien of counsel for the appellee in opposition thereto —

90	The United States Appellt vs George I. F. Clarke	The motion of Mr Attorney General to continue this cause to the next term of this Court was further argued by Messrs White and Berrien of counsel for the appellee in opposition thereto —
91	The United States. Appellt vs Frances P. Valois Heirs.	The motion of Mr Attorney General to continue this cause to the next term of this court was further argued by Messrs White and Berrien of counsel for the appellees in opposition thereto. —
92	The United States Appellt vs George I. F. Clarke	The motion of Mr Attorney General to continue this cause to the next term of this court was further argued by Messrs White and Berrien of counsel for the appellee in opposition thereto. —
93	The United States Appellt vs Philip R. Grange	The motion of Mr Attorney General to continue this cause to the next term of this Court was further argued by Messrs White and Berrien of counsel for the appellee in opposition thereto. —

Monday January 27 1834 Continued



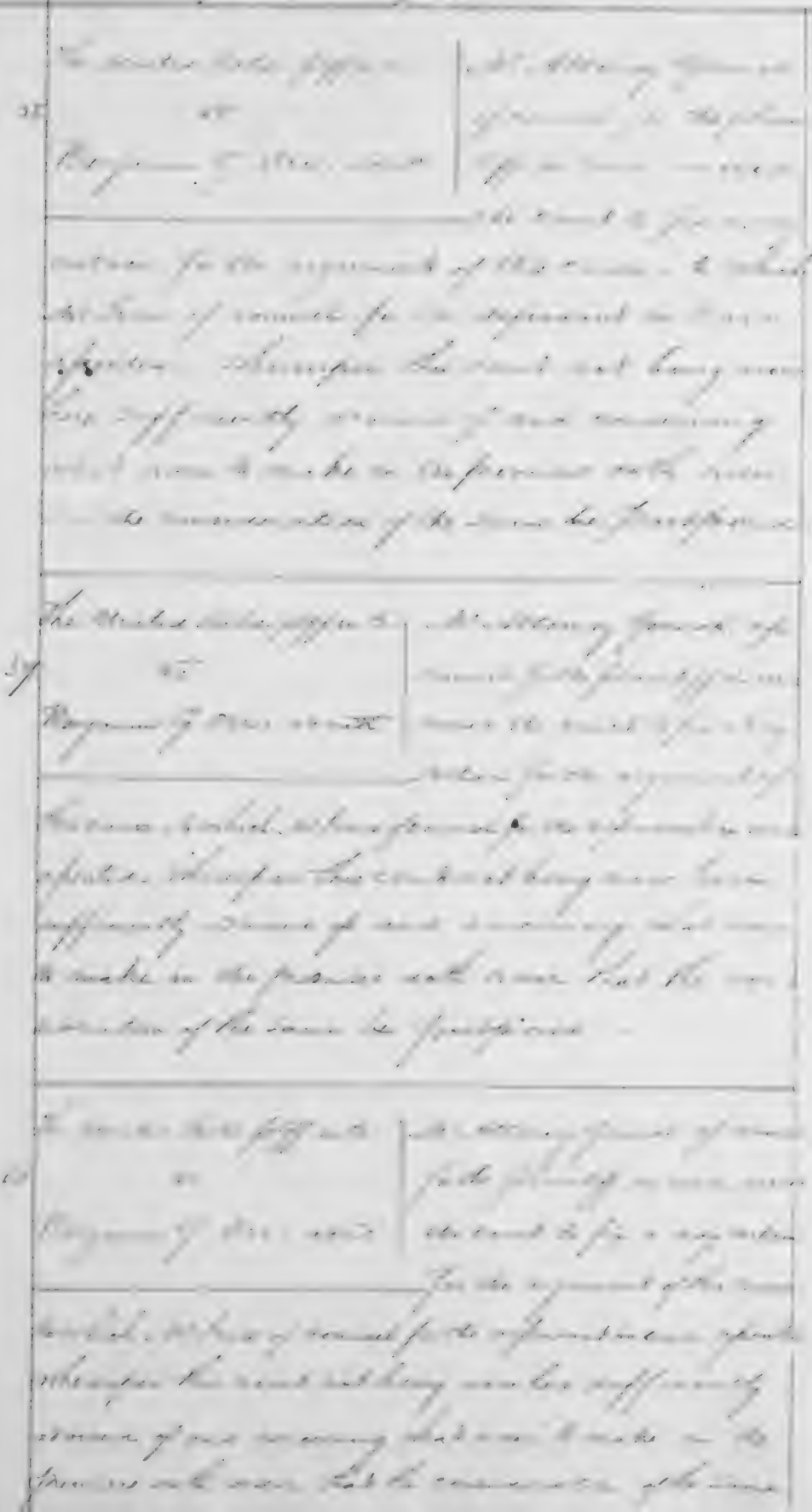
Monday January 27 1834 Continued

Joseph Mandeville &c. vs. Francis Keene's admr.	On consideration of the motion made by Mr. Lee of Counsel for the Appellants to set aside the order of the present Term of this court to wit; on Saturday last. It is now here ordered by the court that said motion be and the same is hereby overruled.

Joseph Mandeville &c. vs. John V Reuben & others	On consideration of the motion made by Mr. Lee of Counsel for the Appellants on the first day of the present Term of this court to wit; on Saturday last. It is now here ordered by the court that said motion be and the same is hereby overruled.

Joseph Mandeville &c. vs. Thomson F. Keene admr.	On consideration of the motion made by Mr. Lee of Counsel for the Appellants on the first day of the present Term of this court to wit; on Saturday last. It is now here ordered by the court that said motion be and the same is hereby overruled.

Monday January 27 1834. Continued



Monday January 27 1834. Continued

61.	The United States Plff in Er vs Benjamin C. Orr's admr	Mr Attorney General of Counsel for the plaintiff in Error moved the Court to fix a day certain for the argument of this cause - Whereupon this Court not being now here sufficiently advised of and concerning what order to make in the premises doth order that the consideration of the same be postponed. —
62.	The United States Apptt vs Francis Pickard	Mr Attorney General of Counsel for the appellant moved the court to fix a day certain for the argument of this cause - Whereupon this Court not being now here sufficiently advised of and concerning what order to make in the premises doth order that the consideration of the same be postponed.
24.	Walter Dun Val - Appellt vs Henry Clarke Val	The argument of this cause was continued by Mr Crawford for the appellees and concluded by Mr Ewing for the appellants.

Proclamation being made the Court is adjourned until tomorrow morning at eleven o'clock. —

Tuesday January 28 1834.

Pursuant to adjournment the Court met this morning at the Capitol.

Present

The Honorable John Marshall Chief Justice

The Hon'ble | Joseph Story / Smith Thompson / [illegible] / Henry Baldwin | Associate Justices

Henry Ashton Virginia Marshal

William Thomas Carroll Clerk

Proclamation being made the Court is opened

58 | The United States plff in Er. vs. [illegible] Deft in Er. | On consideration of the motion [illegible] by Counsel for the plff in Er. [illegible] Court that the same be and the same is hereby dismissed with costs.

59 | The United States plff in Er. vs. [illegible] Deft in Er. | On consideration of the motion [illegible] by Counsel for the plff in Error [illegible] Court that the same be and the same is hereby dismissed with costs.

Tuesday January 28. 1834. Continued.

60	The United States pltffs in Er. vs Benj.n F. Orr's admr	On consideration of the motion made in this cause yesterday by Mr Attorney General - It is now here ordered by the court that this cause be and the same is hereby postponed for the present. -
61	The United States pltffs in Er. vs Benj.n F. Orr's admr	On consideration of the motion made in this cause yesterday by Mr Attorney General - It is now here ordered by the court that this cause be and the same is hereby postponed for the present. -
62	The United States - Appellt vs Francis Richard -	On consideration of the motion made in this cause yesterday by Mr Attorney General - It is now here ordered by the court that this cause be and the same is hereby postponed for the present. -
63	Enos Brown pltff in Er. vs Andrew M. Ross -	On motion of Mr Brent of counsel for the defendant in Error in this cause it is ordered by the court that this cause be and the same is hereby postponed to be argued in connexion with No 80. on the Calendar of this court between the same parties. -

Tuesday January 28. 1834 Continued.

	[illegible] Graf & [illegible] Belfast Claimt &c. - Appellts	The argument of this cause was commenced by Mr Stewart for the Appellants and continued by Mr Stuart for the Respts
25.	do	
	Steam Navigation Co Appellts	The argument of this cause was commenced by Mr Stewart for the Appellants and continued by Mr Stuart for the Respts
26.	do	
	[illegible] Graf & [illegible] Belfast	

[illegible]

Wednesday January 29 1834.

Pursuant to adjournment the Court met this morning at the Capitol —

Present

The Hon'ble	Joseph Story Smith Thompson John McLean & Henry Baldwin	Associate Justices

Henry Dexter Esquire Marshal
William Thomas Carroll Clerk

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr Ogden. It is ordered that Thomas Dexter Esquire of the State of New York be admitted to practice as an attorney and counsellor of this court and he was sworn accordingly. —

The Proprietors of the Delphat Canal vs Hamilton Co.	The argument of the cause was concluded by Mr Stewart for the Claimants.

26. The Proprietors of the Delphat Canal vs Hamilton Co.	The argument of the cause was concluded by Mr Stewart for the Claimants. —

Wednesday January 29 1834 Continued.

79	James Dunn Jeffries vs Richard R Dunn	Ex parte Petition of the Complainant praying that a Writ of Ne Exeat may issue against the Defendant and that the Defendant may be required to give Bail in the sum of $2000
80	Richard R Dunn Jeffries vs James Dunn	Ex parte Petition of the Complainant praying that a Writ of Ne Exeat may issue against the Defendant and that the Defendant may be required to give Bail in the sum of $2000

Petition dismissed at the Complainants cost

1834.

Thursday January 30. 1834.

[illegible] present the Hon[ble] the Chief Justice and the Associate Judges of the Supreme Court

Present

The Honorable John Marshall Chief Justice
Joseph Story
The Honble Smith Thompson Associate Judges
John McLean
Henry Baldwin

Henry Ashton Esquire Marshal
William Thomas Carroll Clerk

[illegible] days — the Court is opened

George the Prince and Jeffson Ex[rs] vs The Bank of Kentucky	It is the practice of this Court not to decide questions involving Constitutional points arising

under the 25th Section of the act of 1789 unless with a concurrence of four Judges, and as that concurrence cannot be obtained in the present case the Motion is ordered by the Court that this cause be and the same is hereby continued to the next Term of this Court to be then heard before a full Court —

The Mayor &c of the City of New York - Jeffs - vs Geo[rge] Miln —	It is the practice of this Court not to decide questions involving constitutional points arising under the 25th Section

56

Thursday January 30 1834 Continued —

[illegible] of [illegible] Judge and to [illegible] [illegible] cause cannot be attended on the [illegible] [illegible] thereupon ordered by the Court that the cause be [illegible] the Same is hereby continued & the next term of this Court & the Sheriff [illegible] [illegible] [illegible]

[illegible] [illegible] [illegible] [illegible] by Mr Ogden. Whereupon [illegible] [illegible] [illegible] of the [illegible] [illegible] [illegible]

Thursday January 30 1834 Continued

[illegible] | The argument of the [illegible]
[illegible] | [illegible]
[illegible] | [illegible]

Cross for the defendants in Error and concluded by Mr Lee for the Plaintiffs in Error . .

The Declaration being made is adjourned until tomorrow morning at eleven Oclock . .

Friday January 31 1834

Pursuant to adjournment the court met this morning at the Capitol.

Present

The Honorable John Marshall Chief Justice
Joseph Story
The Honble Smith Thompson Associate
Henry Baldwin Justices

Prohibition Judge [illegible] the Court [illegible]

On motion for leave to the court in the behalf of Mr Ogden. It is ordered that N. Ayr Hunt Esqr of the State of [illegible] be admitted to practice as an attorney and counsellor of this court and to [illegible]

It is the opinion of this court that the writ of error in this cause be dismissed with costs for want of jurisdiction in this court to issue the same.

24 US

Henry Clarke, Jonathan Clarke & Mordecai M. Heisey

Friday January 31 1834 Continued

of the United States for the district of Ohio —

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of Ohio and was argued by counsel — On consideration whereof it is the opinion of this court that in the present case several persons have made defendants who were not [illegible] to the suit at Law, and that no jurisdiction can be [illegible] by them — the [illegible] but as these appears to be matters of equity in the case which may be investigated by a State Court this Court think it would be reasonable and just to stay all proceedings on the judgment until the complainants shall have time to [illegible] from a State court and they pray and decree — And the court further order that the decree of the Circuit Court be reformed so as to conform to the opinion of this court. —

P. M. Chs: McLean

Colin. Mitchell Plff. in Error vs The United States —	The motion made by the Attorney General on a prior day of the present Term of this court to dismiss on Saturday the 25th instant, to continue this cause to the next term of this court was argued by Mr. Wirt in support of said motion. —

Friday January 21 1859 Continued

82	The United States Appellt vs Antonio Romero	The motion made by the Attorney General on a former day of this term of this court to dismiss the appeal in this case for want of jurisdiction in this court was argued by counsel and submitted to the court and on consideration thereof it is ordered by the court that the motion to dismiss the appeal in this case be and the same is hereby overruled.
94	The United States Appellt vs Francis P Valois heirs	The motion made by Mr Attorney General on a former day of the present term of this court to dismiss the appeal in this case for want of jurisdiction in this court was argued by counsel and submitted to the court and on consideration thereof it is ordered by the court that the motion to dismiss the appeal in this case be and the same is hereby overruled.
95	The United States Appellt vs George Flemming[i] heirs	The motion made by Mr Attorney General on a former day of the present term of this court to dismiss the appeal in this case for want of jurisdiction in this court was argued by counsel and submitted to the court and on consideration thereof it is ordered by the court that the motion to dismiss the appeal in this case be and the same is hereby overruled.

2001.

Friday January 31 1834 Continued.

80.	The United States Appellt vs Joseph M Harman	The motion made by Mr Attorney General on a prior day of the present term of this Court came on to be heard on the 23d instant to continue this cause to the next term of this Court was argued by Mr Key in support of said motion
81.	The United States Appellt vs Antonio Pereira	The motion made by Mr Attorney General on a prior day of the present term of this Court came on to be heard on the 23d instant to continue this cause to the next term of this Court was argued by Mr Key in support of said motion.
82.	The United States Appellt vs Antonio Pereira	The motion made by Mr Attorney General on a prior day of the present term of this Court came on to be heard on the 23d instant to continue this cause to the next term of this Court was argued by Mr Key in support of said motion.
83.	The United States Appellt vs Moses E Levy	The motion made by Mr Attorney General on a prior day of the present term of this Court came on to be heard on the 23d instant to continue this cause to the next term of this Court was argued by Mr Key in support of said motion.

Friday January 31 1834 Continued.

90	The United States Appt vs George L. T. Clarke	The motion made by the Attorney General on a prior day of the present term of this court to [illegible] to the next term of this court was argued by Mr Wirt in support of said motion.
91	The United States Appt vs Francis W. Pickthorn	The motion made by the Attorney General on a prior day of the present term of this court to [illegible] to continue this cause to the next term of this court was argued by Mr Wirt in support of said [illegible]
92	The [illegible] States Appt vs George L. T. Clarke	The [illegible] made by [illegible] General on a prior day of the present term of this court to [illegible] to continue this cause to the next term of this court was argued by Mr Wirt in support of said motion
93	The United States Appt vs Philip W. George	The motion made by Mr Attorney General on a prior day of the present term of this court to [illegible] to continue this cause to the next term of this court was argued by [illegible] in support of said motion.

Proclamation being made the court adjourned

Saturday February 1 1834.

Pursuant to adjournment the Court met this morning at the Capitol

Present

The Honorable John Marshall Chief Justice
Bushrod Washington
The Hon'ble Gabriel Duvall Associate
William Thompson Justices
John McKinley
Henry Baldwin

Henry Ashton Esquire Marshal
William Thomas Duvall Clerk

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by [illegible] it is ordered that [illegible] of the State of New York be admitted to practice as an attorney and Counsellor of this Court and he was sworn accordingly.

James Brown, Esqr in Eq. vs [illegible] | In Error to the District Court of the United States for the Eastern District of [illegible]

This cause came on to be heard on the transcript of the record from the District Court of the United States for the Eastern District of Pennsylvania and was argued by Counsel On the motion of this Court that the said District Court could not entertain jurisdiction of this cause,

Saturday February 1 1834. Continued

[illegible]

[illegible] vs [illegible]

[illegible]

Saturday February 1st 1838 Continued

Expunt & the matter of the Life and Fire Insurance Company of New York - Appts vs Nicholas Wilson Respt	The rule granted in this cause was argued by Messrs Talcott & Jones in support of the rule, and by Messrs Parker & Page in opposition thereto and heard counsel of the rule

Expunt. In the matter of the Life and Fire Insurance Company of New York. Appts vs Nicholas Wilson's Heirs -	The rule granted in this cause was argued by Messrs Talcott & Jones in support of the rule and by Messrs Parker & Page in opposition thereto and heard counsel of the rule

George Ring's heirs & C - vs Stiles Thompson & Comp	Mr Page of counsel for the defendants in Error having suggested to the court that this was a chancery case and should have been removed to this court by an appeal instead of by writ of error - Whereupon this court not being now sufficiently advised of and concerning what order to render in the premises doth hereby order that the consideration of the said motion be and the same is hereby continued -

Proclamation being made the court is adjourned until Monday morning at eleven o'clock. -

Monday February 3 1834

Pursuant to adjournment the Court met at the Capitol

Present

[illegible]

Proclamation being made the Court is opened

On motion ordered that the Court do the Order of [illegible]

[illegible]

12 [illegible]

[illegible]

[illegible]

[

Monday February 3 1834. Continued.

23	Ingersoll Lich vs. Elliott's Adm'rs. } Error to Orleans. vs. Thomas B. Todd Exec'r }	Mr Core of counsel for the appellees now here moved the court for an order to the clerk to deliver the mandate of this court in this cause forthwith. On consideration whereof, it is ordered by the court that the clerk do forthwith issue the mandate in this cause
1	The Bank of the Metropolis vs. Jeff'n &c. William Jones } Error to —	Mr Key of counsel for the plaintiff in error now here moved the court in an order to the clerk to deliver the mandate of this court in this cause forthwith. On consideration whereof, it is ordered by the court that the clerk do forthwith issue the mandate in this cause. —
18	Jacob Mumma. Jeff'n &c. vs. The Potomac Company	Mr Brent of counsel for the plaintiff in Error now here moved the court to assign a particular day for the argument of this cause. On consideration whereof It is ordered by the court that this motion be and the same is hereby overruled. —
07	Stephen Pleasonton Jeff'n &c. vs. The United States —	On motion of Mr Key of counsel for the plaintiff in Error. It is ordered by the Court that this cause be and the same is hereby dismissed at the cost of the [illegible]

Monday February 3 1834 Continued

[illegible] King [illegible] Wm King [illegible] Thos
& his wife and Charles King by Margaret King
Committee heir at law of George King dec'd and
Stephen Timmons Charles King and Chas W. Tinker

vs

Isaiah Thompson and Betsey his wife

In Error to the Circuit Court of the
United States for the District of Columbia holden
in and for the County of Washington.

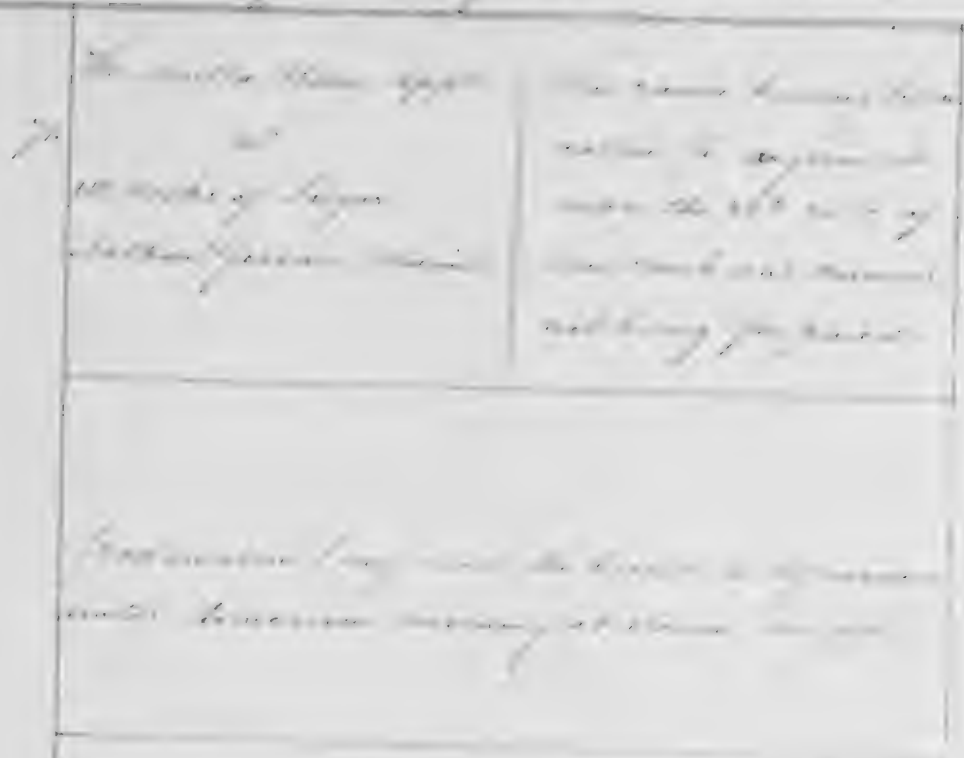
On consideration of the motion made in this
cause on the prior day of the present term of this
Court to wit on Saturday last the first inst.
by Mr Hoge of counsel for the defendants in error
it is the opinion of this court that the
Chancery cause should have been brought up
by appeal instead of by a writ of error
whereupon it is now here considered ordered and
by this court that the writ of error to the Circuit
Court of the United States for the District of Columbia
holden in and for the County of Washington
be and the same is hereby dismissed

Mr Ch. Jus. Marshall

[illegible] Court [illegible]	Mr Justice [illegible]
vs	delivered the opinion of
[illegible] Timmons Exors	the court in favor of Defendant
	This cause on behalf of the
	Plaintiff in Error & the counsel on a former argument and
	the transcript of the record. On consideration whereof

Eunice Garnetts heirs &c vs Appt Henry Tenthins Exrs &c	Mr Miller of counsel for the appellants now here moved the court for leave to submit this cause on behalf of the appellants to the court on a printed argument and the transcript of the record - On consideration whereof it is ordered by the court that leave be and the same is hereby granted as moved for.
Bank of Georgia vs Mobley Wm S. Rutledge &c	Mr Wayne of counsel for the appellant now here moved the court for leave to submit this cause on behalf of the appellant on a printed argument and the transcript of the record - On consideration whereof it is ordered by the court that leave be and the same is hereby granted as moved for.
Bank United States vs Jacob White &c	On motion of Mr Sibley of counsel for the appellees it is ordered by the court that this cause be and the same is hereby postponed to the foot of the docket.
Henry Wheeler &c vs Appts Richard Pollard &c	On motion of Mr Bailey of counsel of the appellees it is ordered by the court that this cause be and the same is hereby postponed to the foot of the docket.

Monday February 3 1812 Continued



Tuesday February 4 1834

Pursuant to adjournment the court met this morning at the Capitol

Present

The Honorable John Marshall Chief Justice
Gabriel Duvall
Joseph Story
The Hon'ble Smith Thompson Associate Justices
John McLean
Henry Baldwin

Henry Ashton Esquire Marshal
William Thomas Carroll Clerk

Proclamation being made the court is obscured.

On motion Fisk was admitted to the court in this behalf to practice. It is ordered that Henry Pelletreau and John Galbraith Esquires of the State of Pennsylvania be admitted to practice as attorneys and counsellors of this court and they were sworn accordingly.

Reuben Garnett &c Plaintiffs in Error
vs
Henry Jenkins &c Defendant in Error

On motion of the Attorney General this cause was submitted to the consideration of the court by him on behalf of the defendants on a printed argument and the transcript of the record.

Tuesday February 4 1834 Continued.

Tuesday January 4 1834 Continued

78	Charles A Davis Plff in Error vs Isaac Packard Defdt in Error	The argument of this cause was commenced by Mr White for the plaintiff in Error, continued by Mr Selden for the defendants in Error and concluded by Mr Mills for the plaintiff in Error.
79	William Wharton Plff in Error vs David Henry Defdt in Error	The argument of this cause was commenced by Mr Summers for the appellants and continued by Mr Jo for the appellees.

Proclamation being made the Court is adjourned until tomorrow morning at eleven o'clock.

Wednesday February 5 1834

Wednesday February 5 1834 Continued

Richard C. Gray and Mark Leffingwell, claimants of the Ship Virgin - Appellants vs Solomon Haynes Appellee	On appeal from the circuit court of the United States for the district of Maryland

This cause came on to be heard on the transcript of the record from the circuit court of the United States for the district of Maryland and was argued by counsel On consideration whereof it is the opinion of this court that the Bottomry Bond in the case stated is void and ought to be held valid for the amount ascertained by the second and last report of the Commissioners to be due to the Libellant for [illegible] made in the course of the usual employment of the said ship Virgin, and also for the additional sum of ten per cent the maritime interest agreed on and payable by the terms of the same Bottomry Bond amounting in the whole to the sum of Thirty one hundred and ninety dollars, and that the said Libellant is entitled to the same [illegible] of interest at the rate of six per cent from the [illegible] of the present suit to the time when the decree of this court shall be rendered by the circuit court - And it is thereby ordered adjudged and decreed by this court accordingly - And it is hereby further ordered adjudged and decreed that the decrees of the circuit and district courts so far as they differ from this present decree be and they are hereby reversed

Wednesday February 5 1834. Continued

[illegible] rich Virginia [illegible]

[illegible] Court at the rate of [illegible]

21st Day of March 18[illegible]

[illegible] Ten days after the said Grand Court [illegible]

the same to be done & executed as [illegible]

[illegible] Court [illegible] Chancellor [illegible]

[illegible] Grand Court [illegible]

[illegible] Court [illegible]

[illegible] Grand Court [illegible]

[illegible] Court [illegible]

[illegible] Grand Court [illegible]

[illegible] Court

Wednesday February 5. 1834 Continued.

Alan Ogden for Libellant & Appellee

vs

Francis Lee Esqr. Claimant & Appellant

On appeal from the Circuit Court of the United States for the District of Maryland

This cause came on to be heard on the Transcript of the record from the Circuit Court of the United States for the District of Maryland and was argued by counsel On consideration whereof it is ordered by this Court that the Bottomry Bond in the proceedings stated is and ought to be held and taken for the sum of Two Thousand and nine hundred dollars being the amount ascertained by the second and last Report of the Commissioners to be due to the Libellant for necessaries and advances absolutely necessary and made in the course of the usual employment of the said Ship Mary Ann and also for the additional sum of Ten per cent the maritime interest agreed on and payable by the terms of the same bottomry bond amounting in the whole to the sum of Thirty one hundred and nine dollars and that the said Libellant is entitled to the said last mentioned sum with interest thereon at the rate of six per cent from the commencement of the present suit to the time when the decree of this court shall be [illegible] by the Circuit Court. And it is hereby ordered adjudged [illegible] by this court accordingly. And it is hereby further ordered adjudged and decreed that the decrees of the District and Circuit Courts so far as they differ from this decree

Wednesday February 5 1834. Continued

Wednesday February 5 1834. Continued

[illegible] motion was made to the Court in this behalf by Mr Wirt who moved that William Crosby [illegible] of the State of Pennsylvania be admitted [illegible] Attorney and Counsellor of this court which motion was accordingly [illegible]

[illegible] | The argument of this cause was concluded by Mr Wirt for the Plff in error

[illegible] Peacock Adms &c | [illegible] appeared in this cause for the [illegible]

[illegible] | On the opening of the Court this day the argument of the record from the Circuit Court of the United States for the District of Columbia for the County of Washington was resumed by Mr Key for the Defendants in error and continued by Mr Jones for the Plff in error when the further argument of this cause was postponed until tomorrow

Richard H. Heine [illegible] | This cause was argued by Mr Key for the Plff in error and by Mr Jones for the Defendants in error

[illegible] | The argument of this cause was concluded by Mr Jones for the Plff in error and by Mr Key for the Defendants in error

33 [illegible] | On motion of Mr Jones and on the suggestion of the death of Richard H. Heine one of the Plaintiffs in error in this cause it is ordered that the same be dismissed with costs

[illegible] | On motion of Mr Jones and on the suggestion of the death of Richard H. Heine one of the Plaintiffs in error in this cause it is ordered that the same be dismissed with costs

Thursday February 6th 1834

Thursday February 6 1834 Continued

The United States Appellt vs Cornelius M. Comery	On motion of the Attorney General of counsel for the appellant It is ordered by the Court that this cause be and the same is hereby postponed till the 10th instant
The United States Appellt vs Jesse Fleming and others	On motion of the Attorney General of counsel for the appellant It is ordered by the Court that this cause be and the same is hereby postponed till the 10th instant
The United States Appellt vs Benja. M. Kennedy	On motion of the Attorney General of counsel for the Appellant It is ordered by the Court that this cause be and the same is hereby postponed till the 10th instant
The United States Appellt vs John Mc Curtain	On motion of the Attorney General of counsel for the Appellant It is ordered by the Court that this cause be and the same is hereby postponed till the 10th instant

Thursday February 6th 1851 Continued

On consideration of the
rule moved in this cause by the counsel on the
part of the plaintiff and on the motion of
counsel for the defendant it is ordered on the
motion of the plaintiff by the Court of the United States for the
Eastern District of Louisiana at the present term of
January in the year of our Lord one thousand eight hundred
and thirty eight after argument of counsel for both the
plaintiff and defendant in this cause thereupon had
that the said rule be and the same is hereby made absolute

Thursday February 6th 1868 Continued

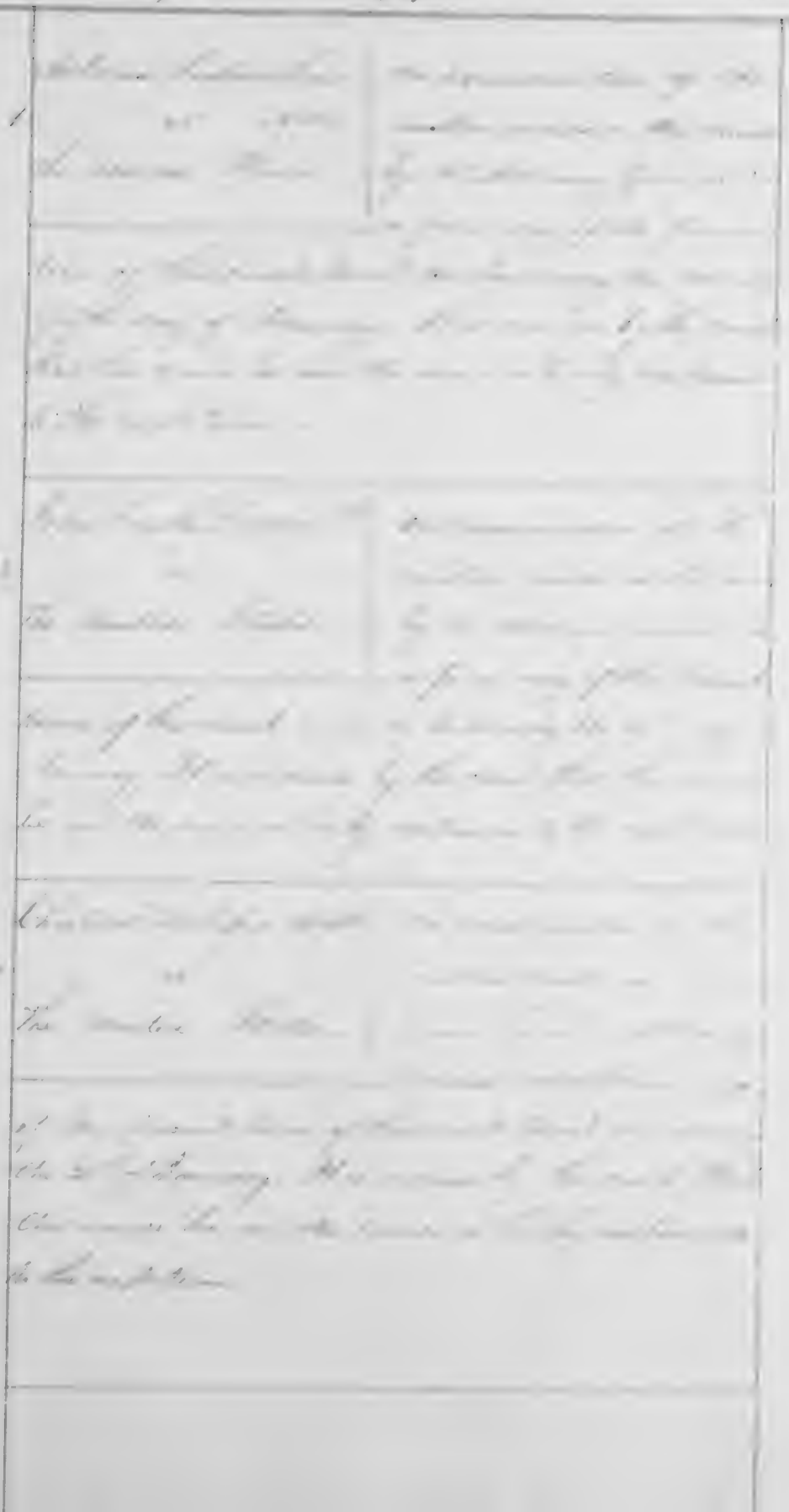
Thursday February 6 1834. Continued.

Tuesday February 9th 1847.

Tuesday February 1st 1842 Continued.

95	Geo. Wilson & al Pltffs in Er vs Geo. Brent Deft	This cause having been argued for argument and on consideration whereof it is ordered by the Court that the same be and is hereby put to the foot of the docket under the thirty sixth rule of the court.
96	Chas. Howard Esqr vs Jeffreson Chapman	It is ordered by the Court that the motion to dismiss the appeal in this cause be and the same is hereby overruled
97	Samuel Sere Pltff in Er vs Elizabeth Lee	For argument on this cause was commenced by the counsel for the plaintiff in Error and concluded by the counsel for the defendant in Error and reargued by the counsel for the Plaintiffs in Error
98	Henry Bennett Esqr in Er vs John Howard	On motion of Mr Key one of the counsel for the defendant in Error - It is ordered by the Court that this cause be and the same is hereby put to the foot of the docket.

Friday February 7 1834 Continued.



Friday February 7 1834 Continued

Augustus Chatham vers vs Appl The United States	On consideration of the motion made in this cause by Mr. O'Leary Counsel

for the Appellant it is ordered by the Court that this cause be and the same is hereby continued to the next term of this Court

Appl vs The United States	made in the cause of Mr. O'Leary Counsel for the Appellant it is ordered by the Court that this cause be and the same is hereby continued to the next term

Mackey Jones Appl vs The United States	On consideration of the motion made in this cause by Mr. O'Leary Counsel for the Appellant it is ordered by the Court that this cause be and the same is hereby continued to the next term

Mackey Jones Appl vs The United States	On consideration of the motion made in this cause by Mr. O'Leary Counsel for the Appellant it is ordered by the Court that this cause be and the same is hereby continued to the next term

Friday February 14 1834. Continued.

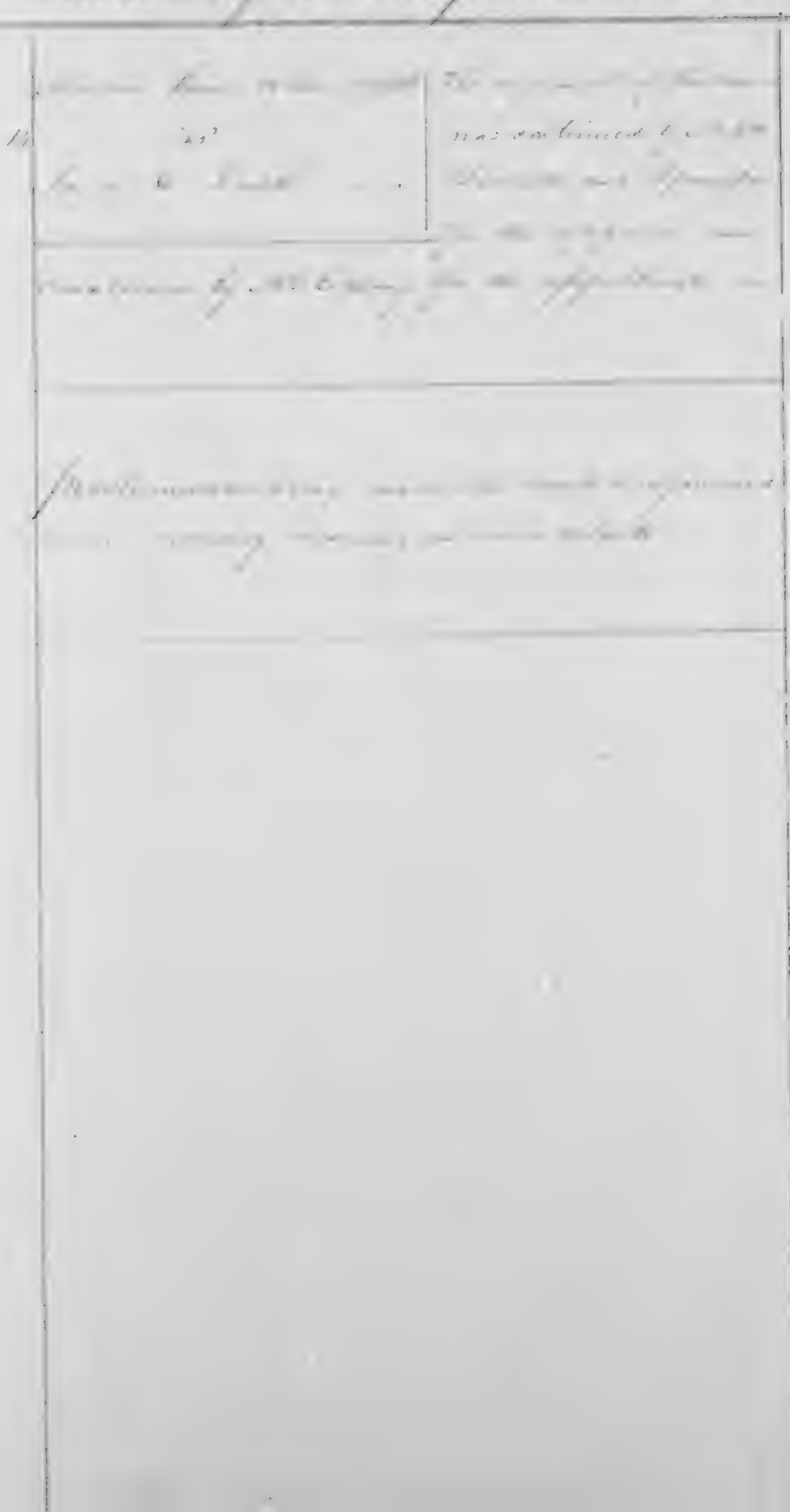
14

Saturday February 8th 1834.

Saturday February 8th 1834 Continued.

41.

Saturday February 18th Continued



Monday February 8th 1864.

Monday February 10 1834 Continued

The United States for pltff in Er vs Wm C. Carrington	The argument of this cause was resumed & concluded by Attorney General for the pltff in Error
[illegible] pltff in Error vs Wm G. Carrington	The argument of this cause was commenced by the Attorney General for the pltff in Error
On motion of the counsel for the pltff in Error leave is given by the Court to withdraw the writ of Error issued in this case	On motion of the counsel for the pltff in Error leave is given by the Court to withdraw the writ of Error issued in this case
On motion of Mr Swann it is ordered by the Court that the clerk do withdraw upon the writ of Error issued in this case	On motion of Mr Swann it is ordered by the Court that the clerk do withdraw upon the writ of Error issued in this case
William King pltff in Error vs Wm Mitchell & al	On the suggestion of the Attorney it is ordered by the Court that this cause be and the same is hereby postponed for the present

Monday February 20 1832 Continued

Tuesday February 11 1834

Pursuant to adjournment the Court met this morning at the Capitol

Present

The Honorable John Marshall Chief Justice

	Gabriel Duvall	
	Joseph Story	
The Court	Smith Thompson	Associate Justices
	[illegible]	
	Henry Baldwin	

Thomas Sexton Thomas Marshall
William Thomas Carroll Clerk.

Proclamation being made the Court is adjourned.

On motion first made to the Court in this behalf by Mr Webster Mr Thomas Clark Franklin Dexter Charles G. Loring Counsellors of the State of Massachusetts was admitted to practice as Attorneys and Counsellors of this Court and took the usual [illegible]

Rezin Rose Armstrong Appellant vs [illegible] Appellees and Rezin Rose Armstrong and Major John H Mosher Appellees	Appeal from the Circuit Court of the United States for the District of Columbia holden in and for the County of Washington.

This cause came on to be

Tuesday February 11 1834 Continued

[illegible] of the United States in the District of Columbia holden in and for the County of [illegible] on the [illegible] day of [illegible] in the year of our Lord one thousand eight hundred and thirty four and of the Independence of the United States the fifty eighth and the Seal of the said Circuit Court being affixed to the Writ of Error in the name of the President of the United States and the Seal of the Supreme Court of the United States being affixed to the Citation issued in this behalf and the Writ of Error and Citation having been duly returned and filed in the Clerks Office of the said Circuit Court and the other proceedings to be had therein according to law and justice and in conformity to the opinion of this Court. [illegible]

Jorge H. Bruce Use &c	On consideration of
vs	motion made on the
Pltffs in Er	part of the Defendant
The Commonwealth	in Error by his Counsel learned
Bank of Kentucky	in the law and this Court
	[illegible]

by Mr Wirt of Counsel in the Record to be [illegible] for hearing upon [illegible] of the Record and Transcript and Counsel [illegible]

The United States	On motion of the
vs	Court was continued by
Pltffs in Er	Mr Attorney General for
Elisha P. Ewing's admr	the Defendants in Error

by Mr Key & Mr Coxe & by Mr Swann for the Defendants in Error

Tuesday February 11th 1834. Continued

	United States of America	
57	vs	
	Wm. G. Orr's admr	

Whereupon the Court is adjourned until tomorrow morning at eleven O'clock. -

Wednesday February 12th 1834.

Wednesday February 12 1834. Continued

It is ordered and adjudged by this court that the judgment of the said District Court be and the same is hereby affirmed with costs. — J. M. Nelson. Thompson

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The Depos of Simon Hannah, Thos P. Shaw & Caroline Finney Exrs of Simon Finney

vs Jeffs in Error

The Chesapeake and Ohio Canal Company.

In Error to the Circuit Court of the United States for the District of Columbia holden in and for the County of Washington.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of Columbia holden in and for the County of Washington and was argued by counsel. On consideration whereof It is ordered and adjudged by this court that the Judgment of the said Circuit Court be and the same is hereby affirmed with costs

J. M. Ch. Jus. Marshall

[illegible] Exrs of [illegible]

vs Jeffs in Error

John Marten & John W. Thompson Exrs of John Thompson

In Error to the Circuit Court of the United States for the District of Columbia holden in and for the County of Alexandria. -

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of Columbia holden in and for the County of Alexandria and was argued by counsel. On consideration whereof, it is the opinion

Wednesday February 11 1852 Continued

Wednesday February 12 1834 Continued.

	The United States Appellants	On consideration of the
53	vs	motion made in this cause
	George Flemmingshire	by the Attorney General for a

continuance and of the arguments of counsel thereupon had. It is ordered by the Court that this cause be and the same is hereby set down for argument at the present term of this court and that the same be argued tomorrow

	The United States Appellants	On consideration of the motion
54	vs	made in this cause by the
	Amelia M. Gomez	Attorney General for a

continuance and of the arguments of counsel thereupon had - It is ordered by the court that this cause be and the same is hereby set down for argument at the present term of this court and that the same be argued tomorrow

	The United States Appellants	On consideration of the motion
55	vs	made in this cause by the
	George Flemmingshire	Attorney General for a con-

tinuance and of the arguments of counsel thereupon had. It is ordered by the court that this cause be and the same is hereby set down for argument at the present term of this court and that the same be argued tomorrow. . .

Wednesday February 1st 1832 Continued

The United States Appellee vs Angel [illegible]	On consideration of the motion made in this cause by [illegible] for a continuance of the argument of counsel thereupon had - It is ordered by the court that this cause be and the same is hereby set down for argument at the present term of this court and that the same be argued [illegible]

[illegible] vs Antonio Huertas	On consideration of the motion made in this cause by [illegible] for a continuance and of the arguments of counsel thereupon had - It is ordered by the court that this cause be and the same is hereby set down for argument at the present term of the court and that the same be argued [illegible]

The United States Appellee vs Antonio Huertas	On consideration of the motion made in this cause by Mr Attorney General for a continuance and of the arguments of counsel thereupon had - It is ordered by the court that this cause be and the same is hereby set down for argument at the present term of this court and that the same be argued [illegible]

Wednesday February 8th 1860 Continued.

The United States Appt vs Irvine	On consideration of the motion made in this cause by Mr Attorney General for a continuance, and of the argument of counsel thereupon, it is ordered by this Court that this cause be and the same is hereby set down for argument at the present term of this Court and that the same be argued tomorrow.

United States Appt vs George A. Clarke	On consideration of the motion made in this cause by Mr Attorney General for a continuance and of the arguments of counsel thereupon. It is ordered by this Court that this cause be and the same is hereby set down for argument at the present term of this Court and that the same be argued tomorrow.

The United States Appt vs F. Fabius Reis	On consideration of the motion made in this cause by Mr Attorney General for a continuance and of the arguments of counsel thereupon. It is ordered by this Court that this cause be and the same is hereby set down for argument at the present term of this Court and that the same be argued tomorrow.

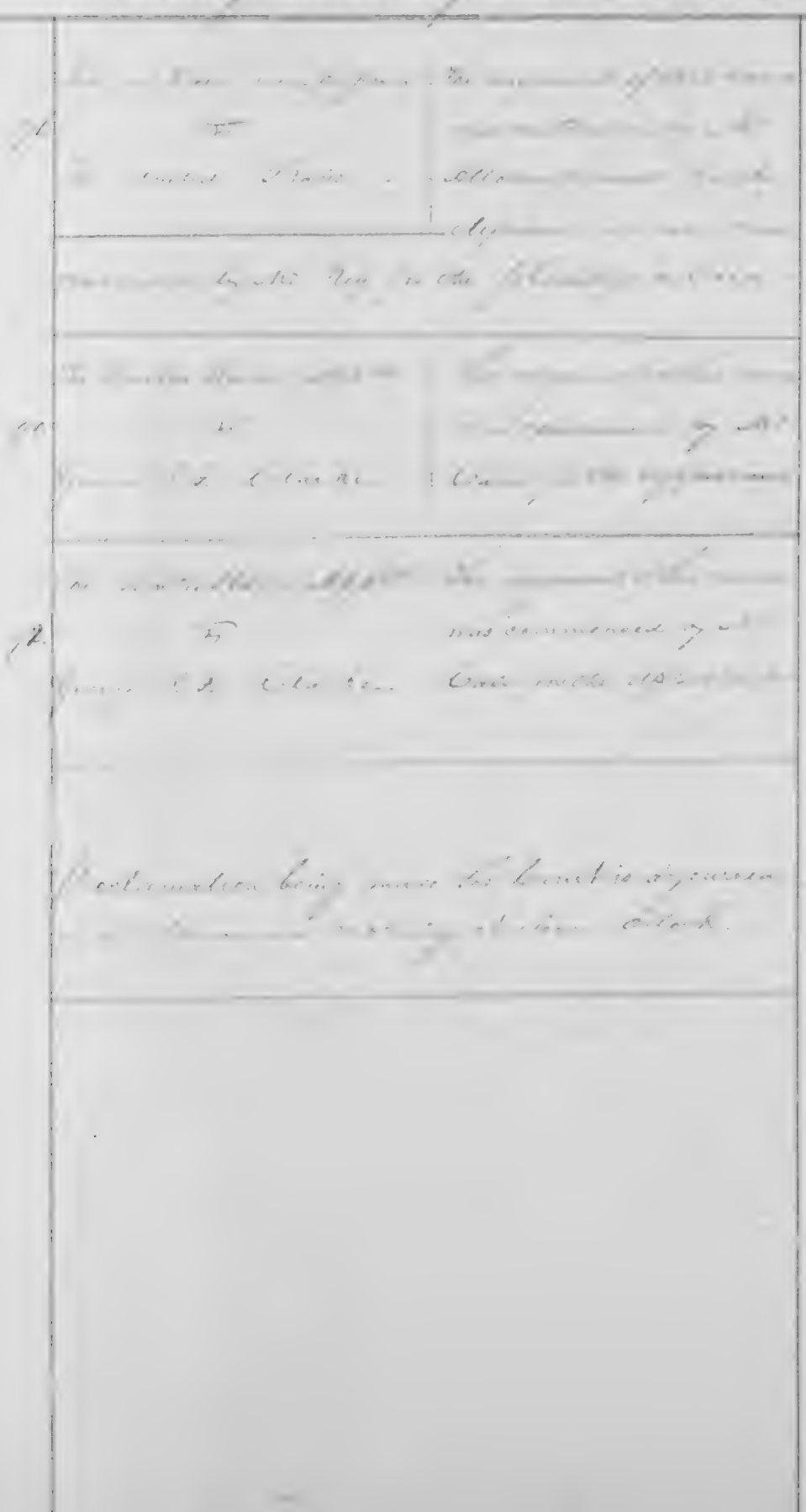
Wednesday February 14th 1827 Continued.

Wednesday February 1st 1832 Continued

the opinion of the Attorney General

the opinion of the Attorney General

Thursday February 13. 1834



Friday February 14 1834.

Saturday February 15 1834.

[illegible] is adjournment to Court next Monday morning
10 o'clock

Present

Associate Justices: The Chief Justice
[illegible]
Mark Thompson
Smith Thompson
The Chief Justice
[illegible] Johnson

Attorney General Stevens
Petition Thomas Carnes Clerk

No Information being made the Court is opened.

On motion first made to the Court in this behalf by Mr Sergeant It is ordered that Edward N. Hamilton of the State of Pennsylvania be admitted to practice as an Attorney and Counsellor of this Court and he was accordingly admitted

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Benjamin Lee & Barbara Lee	In Error to the Circuit Court
vs	of the United States for the
Elizabeth Lee	District of Columbia holden
	in and for the County of
	Washington — This cause came on to be heard

on the transcript of the record from the Circuit Court of the United States for the District of Columbia holden in and for the County of Washington and was argued

Saturday February 15, 1834. Conference.

Monday February 17 1834

Monday February 6 1834 Continued

Tuesday February 18 1834.

[illegible]

[illegible]

[illegible]

Wednesday February 17 1858.

Present

Wednesday February 1st 1832 Continued.

is a formal discussion the propriety of the
vote evidence of which has been offered by
the honorable member of this bar. Some of
you in that the warning and appropriate arrangement
might be made to give utterance to the feeling
of the Eastern attachments and interest
of our extended country and to the concern with
which in common with every other member of the
bar, I mourn over the removal from this scene
of his usefulness and fame. Such an attempt
would be an intrusion of not an improper
encroachment upon a province which now belongs
exclusively to another. And it therefore only remains
for the Chair to state in the name of the deceased
the usual proceedings of our extended country - that
this Court do adjourn and wear the usual
badges of such regret be incorporated
in the record of this Court. To which it is the Chair
thinks this motion. The court resumed after
hearing of the afflicting event which has occasioned
the meeting of the bar and the abbreviation just made
of those emotions it was but too well calculated
to excite. I am sure I utter the sentiments of all
my brethren when I say we particularly concur in
the feelings expressed from the bar. Such gentlemen
have sustained a loss it will be difficult of what
impossible to repair. In performing the various duties

Wednesday February 19 1834. Continued.

The Bar met pursuant to Journal

[illegible] and the following resolutions which were read and unanimously adopted viz

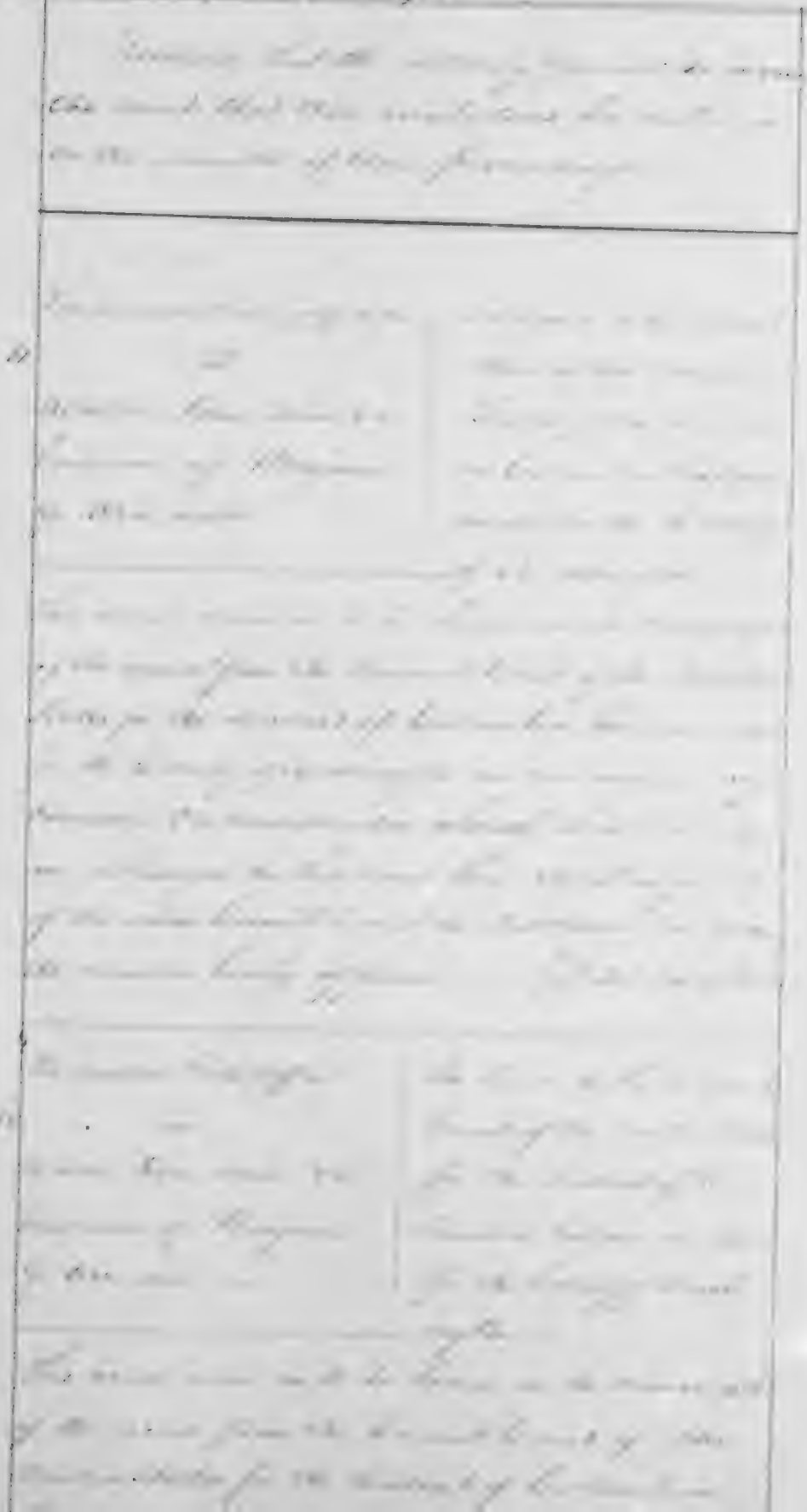
Resolved that the members of this Bar feel [illegible] and the Country have sustained in the death of William Wirt a member of this Bar, and twice for so many years Attorney General of the United States

Resolved that in order to mark the high professional learning of the deceased [illegible] his public services and character, the members of the Bar will wear crapes on the left arm and black ribbons on their canes during the term

Resolved that a committee be appointed to wait upon the bereaved family, to convey to them the sympathy of this tribunal of the Bar, and to request that he may be interred in the City of Washington, and that the [illegible] with the [illegible] of the funeral

Resolved that Mr Southard be requested to pronounce a discourse upon the Bar, upon the [illegible] and that Mr Miller at such time during the present [illegible]

Wednesday February 1934 Continued



Wednesday February 1st 1832 Continued

[illegible] and argued by Counsel. On consideration whereof it is ordered and adjudged by this Court that the [illegible] of the said District Court in this cause be and the same is hereby affirmed. —

Mr Justice Story.

The United States Appellants
vs
Wallace Davis and others Defendants & Appellees

In Error to the District Court of the United States for the District of Columbia holden in and for the County of Washington

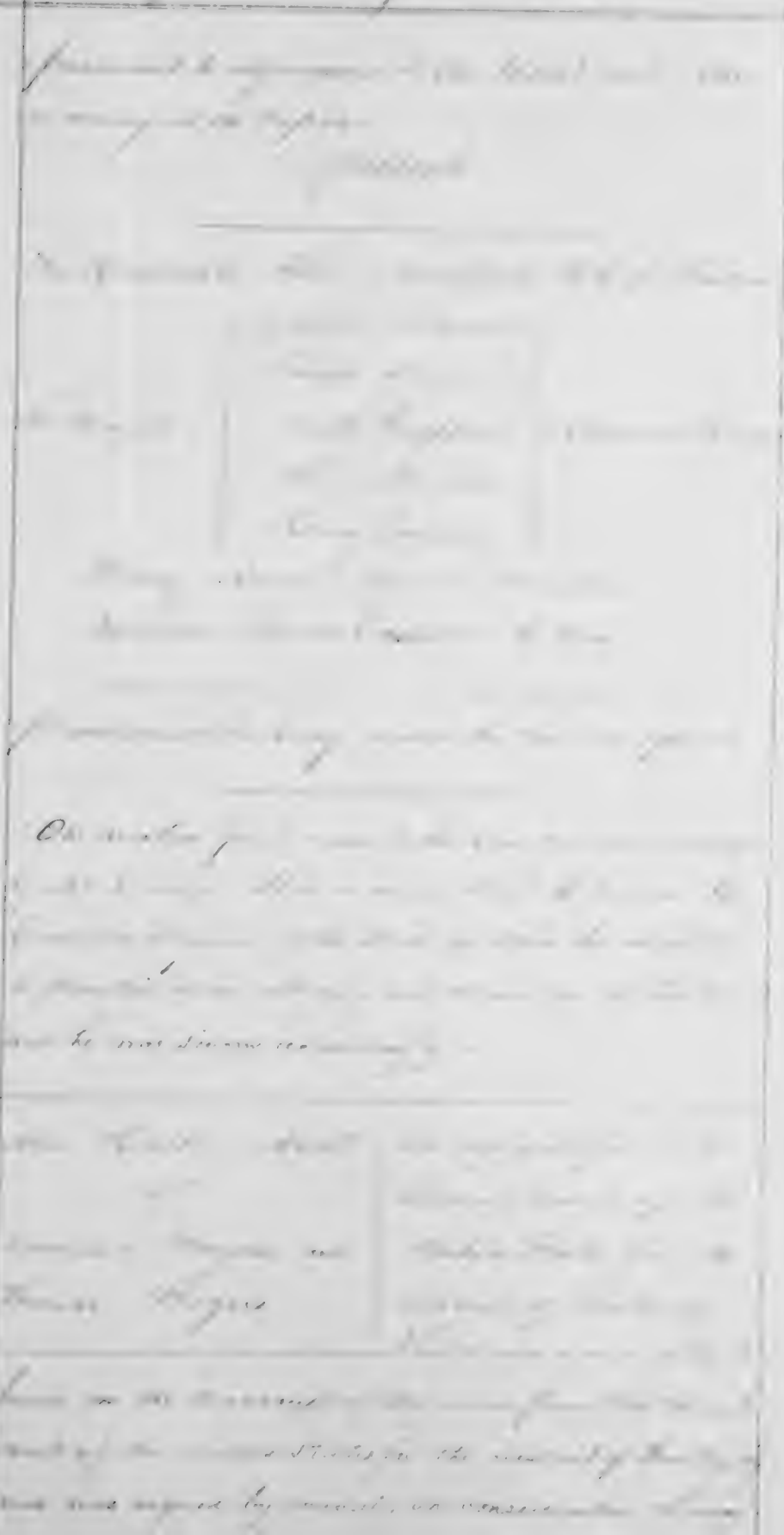
This cause came on to be heard on the Transcript of the record from the District Court of the United States for the District of Columbia holden in and for the County of Washington and was argued by Counsel. On consideration whereof it is ordered and adjudged by this Court that the Judgment of the said District Court in this cause be and the same is hereby affirmed.

On motion first made to the Court in this behalf by Mr Sergeant. It is ordered that Sergeant Hale Fenner of the State of Pennsylvania be admitted to practice as an Attorney of this Court and he was accordingly

Wednesday February 19th Continued

Thursday February 20 1834.

Friday February 21 1834.



Tuesday February 21 1854. Continued.

Court for the [illegible] Circuit Court in
[illegible]

The United States &c in Er. | In Error to the Circuit Court of the United States for the District of Louisiana

[illegible]

This cause came on to be heard on the Transcript of the record from the Circuit Court of the United States for the District of Louisiana in the County of Washington and argued by Counsel. On consideration Whereof it is now here ordered & adjudged by this Court that the judgment of the said Circuit Court in this cause be and the same is hereby affirmed. [illegible]

[illegible] | In the District Court of the United States for the Louisiana District of Louisiana

[illegible]

This cause came on to be heard on the transcript of the record from the District Court of the United States for the Eastern District of Louisiana and was argued by Counsel. On consideration Whereof, it is ordered and adjudged by this Court that the Judgment of the said District

Friday February 21 1834 Breakfast

Saturday February 22 1834.

Monday February 24 1834

Journal

Monday February 24 1830. Continued

[illegible]

[illegible]

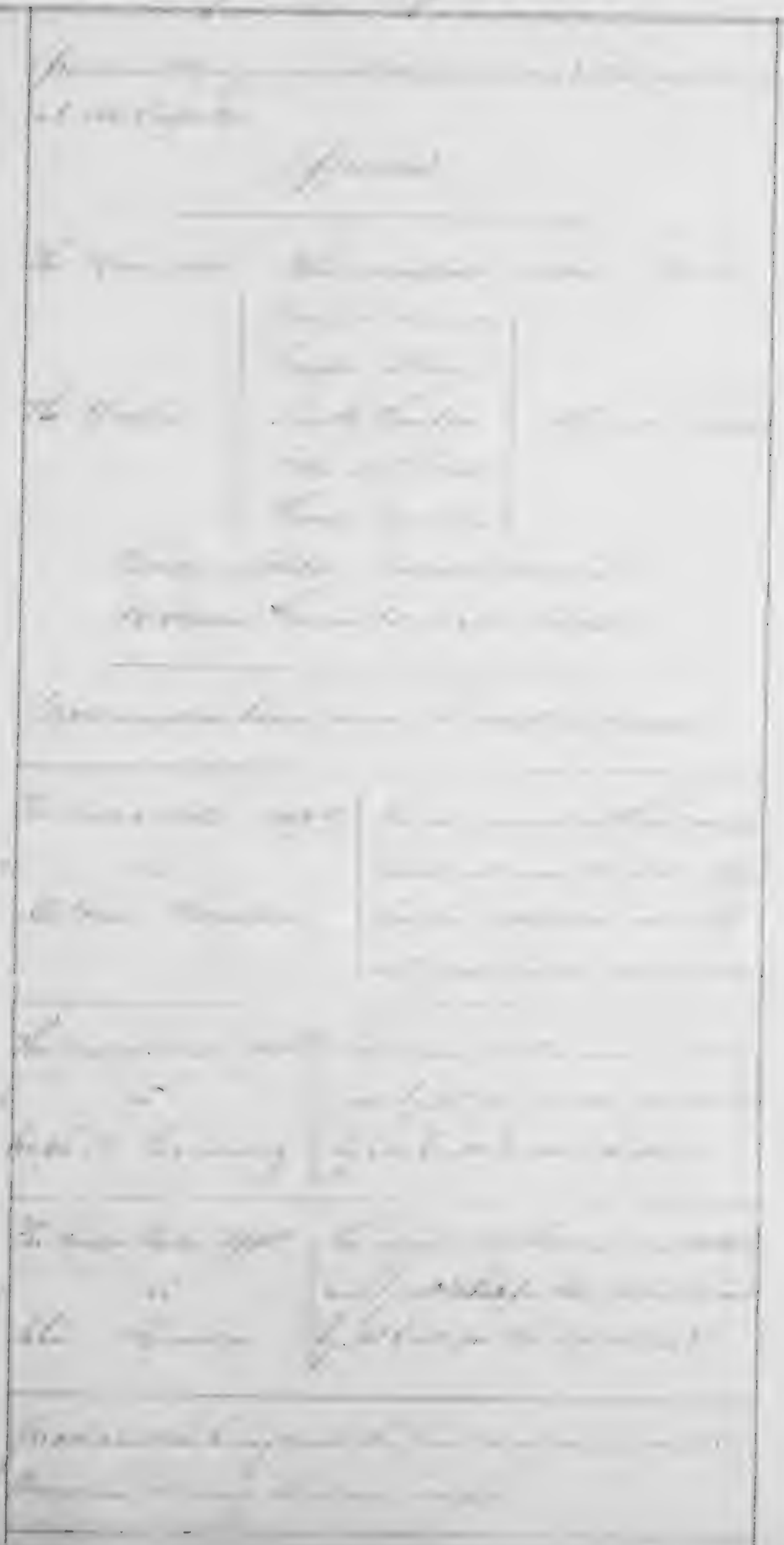
[illegible]

Tuesday February 23 1830

Journal

Tuesday February 25 1834 Continued.

Wednesday February 24 1858.



Tuesday February 27 1821

Pursuant to adjournment the court met this day

Present

The Honorable The Chief Justice

Joseph Story
Thomas Todd
Gabriel Duvall
Smith Thompson

Associate Justices.

Henry Ashton Esquire Marshal
William Thomas Carroll Clerk

Court proceeded to business

	The United States Appellants	The argument of this cause
83.	vs.	was concluded by Mr Case
	Joseph M Hernandez	for the appellant.

	The United States - Appellants	The argument of this cause
84.	vs.	was concluded by Mr Case
	John Hunt et al	for the appellant.

Thursday February 27 1834 Continued.

87	The United States Appellt vs Charles A. Grundy	This cause was submitted [illegible] Court by [illegible] behalf of the [illegible]

and by Mr White of Counsel for the appellees on the transcript of the record, briefs and formal arguments of Counsel on both sides

88	The United States Appellt vs George Flemming's Heirs	This cause was submitted to the consideration of the Court by Mr Butler on behalf of the appellant and by Mr White of Counsel for the appellees on the transcript of the record, briefs and printed arguments of Counsel on both sides.

89	The United States Appellt vs Antonio Alvarez	This cause was submitted to the consideration of [illegible] Mr White of Counsel for the appellee on the transcript of the record briefs and formal arguments of Counsel on both sides.

90	The United States Appellt vs Moses D. Levy	This cause was submitted to the consideration of the Court by Mr Butler on behalf of the appellant and by Mr White of Counsel for the appellee on the transcript of the record briefs and formal arguments of

1835.

Thursday February 27th 1834 Continued

93	The United States Appt vs Philip M. Young	This cause was submitted to the consideration of the court by Mr. Hall on behalf of the appellant and by Mr. [illegible] for the appellee on the transcript of the record, brief and printed arguments of counsel in both cases.
93	Bank United States vs Herbert G. Waggoner et al	On motion of Mr. Sergeant of counsel for the plaintiff in error, it is ordered by the court that this cause be and the same is hereby continued to the next term of this court.
91	Samuel Hazard et al Plff in Er vs The New England Marine Insurance Company	The argument of this cause was commenced by Mr. Sibley for the plaintiff in error

Adjournment being made the court is adjourned until tomorrow morning at eleven o'clock.

Friday February 28 1834.

Pursuant to appointment the Court met this morning at the Capitol

Present

The Honble [illegible] Judges

The Honble [illegible] Chief Justice

Proclamation being made the Court is opened

Friday February 28 1834 Continued

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of Columbia holden in and for the County of Washington and was argued by Counsel; On consideration whereof, This court is of opinion that there is error in the Judgment rendered by the said Court in this that the demurrer filed by the defendants in that court to the declaration of the plaintiffs suit is the case of the [illegible] was overruled. Whereas it ought to have been sustained. It is therefore considered ordered and adjudged by this court that the said judgment be and the same is hereby reversed and annulled and that this cause be and the same is hereby remanded to the said Court of the United States for the District of Columbia in the County of Alexandria with directions to enter Judgment on the said demurrer in the nullification of the plaintiffs, in favor of the defendants in that Court.

"By M. Ch. Mrs. Marshall"

Samuel Hazard vs the Phila. Ins. Co.

The New England Marine Insurance Company vs the same

The argument of this cause was continued by M. Selden for the plaintiffs in Error by Messrs Doring & Webster for the defendants in Error and concluded by Mr Selden for the plaintiffs in Error.

Friday February 28 1834 Continued

Saturday March 1 1834.

Pursuant to adjournment the Court met this morning at the Capitol.

Present

[illegible]

[illegible] Clerk

[illegible]

Whereupon being moved the Court is pleased

[illegible] In Error to the Circuit Court of the United States for the District of Columbia holden in and for the County

[illegible]

[illegible] This cause came on to be heard on the Transcript of the Record from the Circuit Court of the United States for the District of Columbia holden in and for the County of Washington and was argued by Counsel, On consideration whereof It is ordered and adjudged by this Court that the judgment of the said Circuit Court in this cause be and the same is hereby affirmed. —

J. M. Thompson —

Saturday . March 1. 1834. Continued

Monday March 2 1835.

[illegible]

Ordered

[illegible]

[illegible]	[illegible]	[illegible]

[illegible]

[illegible]

A motion for leave was made by the Counsel in this behalf by Mr Attorney Genl. It is ordered that Mr. Thomas Cunningham of the State of Pennsylvania be admitted to practice as an Attorney and Counsellor of this court and he was sworn accordingly. —

A motion for leave was made by the Counsel in this behalf by Mr Attorney Genl. It is ordered that Mr Solomon Smith Esquire of the State of New York be admitted to practice as an Attorney and Counsellor of this Court and he was sworn accordingly. —

Monday March 1834 Continued.

Upon the second question, whether assuming the other facts to be as stated and alleged above and taking the authority of the seizing vessel to be such as the defendants assert there was a legal and justifiable cause for the seizure and detention of the General Barrington and cargo -

Upon the third question, whether assuming the other facts to be as stated and alleged above, and taking the authority of the seizing vessel to be such as the defendants assert there was a legal and justifiable cause for the seizure and detention of the General Barrington and cargo -

The opinion of this Court assuming the facts stated that question there was a legal and justifiable cause for the seizure and detention of the said General Barrington and Cargo if the armed force referred to was employed or destined to Florida which this court does not consider to be material for it is to be presumed entitled to make the seizure and detention in the same manner as if she had been commissioned by the Royal authority of Spain - But if not commissioned then the parties making the seizure and detention are to be treated as persons guilty of acts of piracy, seizure for the benefit of the Government of Spain and their validity depend upon their adoption and recognition by the competent authorities of Spain according to the general principles of the law of

Monday March 3 1834 Continued.

Monday March 3 1834. Continued ..

	the Brief and Argument of the Counsel on their respective sides were irregular or not. — for the Defendant
The United States Appellants vs Thomas Swann	This cause having been called for argument and [illegible] it is ordered by the Court that this cause be and the same is hereby dismissed with the costs of the Appellant under the thirty eighth rule of this Court. —
The United States Appellants vs Thomas Mott Appellee	This cause was argued by the Attorney General for the Appellants in Error.
Jane Wallworth Appellee in Error vs Jane Mercer Plaintiff in Error.	This cause was submitted to the consideration of the Court on printed arguments and Briefs of Counsel by Mr Key for the Appellee Stephens and Montgomery in behalf of the Plaintiffs in Error and by Mr Rogers for the Defendants in Error.
Jane Wallworth Appellee in Error vs James Mercer Plaintiff in Error	This cause was submitted to the consideration of the Court on printed arguments and Briefs of Counsel by Mr Key and Montgomery in behalf of the plaintiffs in Error and by Mr Rogers for the defendants in Error. —

Monday March 1st Continued

22		

Tuesday March 4 1834.

Pursuant to adjournment the Court met this morning at ten o'clock

Present

The Honorable	John	Marshall	Chief Justice
	Gabriel	Duvall	
	Joseph	Story	
The Honble	Smith	Thompson	Associate Justices
	John	McLean	
	Henry	Baldwin	

Thomas Wordsworth Esquire Marshal
William Thomas Carroll Clerk

Motions being made the Court is pleased

On motion first made to the court in this behalf by Mr Sergeant It is ordered that E. J. McDowell Esquire of the State of Pennsylvania be admitted to practice as an attorney and counsellor of this Court and he affirmed accordingly —

On motion first made to the court in this behalf by Mr Sergeant It is ordered that Benjamin Tilghman Esquire of the State of Pennsylvania be admitted to practice as an attorney and counsellor of this court and he was sworn accordingly —

Tuesday March 4 1834 Continued.

Tuesday March 4. 1834. Continued.

37	Amos Bunnell vers vs Chs Theb Court & ats	The appeal of the complainant from the decree of the chancellor and the answer of the appellees
38	Bank of Geneva vers vs [illegible]	On motion for leave of the complainant to file a supplemental bill ordered by the court that the same be and the same is hereby granted to the next term of this court

Proclamation being made the court is adjourned until tomorrow morning at eleven o'clock

Wednesday March 3 1834.

1834.

Wednesday March 5 1834. Continued

321	[illegible]	[illegible]	[illegible]
	[illegible]	[illegible]	[illegible]
	[illegible]	[illegible]	[illegible]

Thursday March 6 1834

32.

Thursday March 6 1834. Continued

	Thomas Jackson Vol. Appts	The argument of the case
113.	"	was commenced by Mr.
	[illegible] C. Ashton	for the Appellants.

[illegible] being made to the Court it adjourned until to-morrow morning at eleven o'clock

Friday March 7 1834.

Friday March 7th 1834. Continued

adjudged and decreed by this court that the decree of the said Circuit Court be and the same is hereby reversed and that this appeal be and the same is hereby dismissed all of which is hereby ordered to be certified to the said Circuit Court under the seal of this court.

Jno. Mc Kee Clk

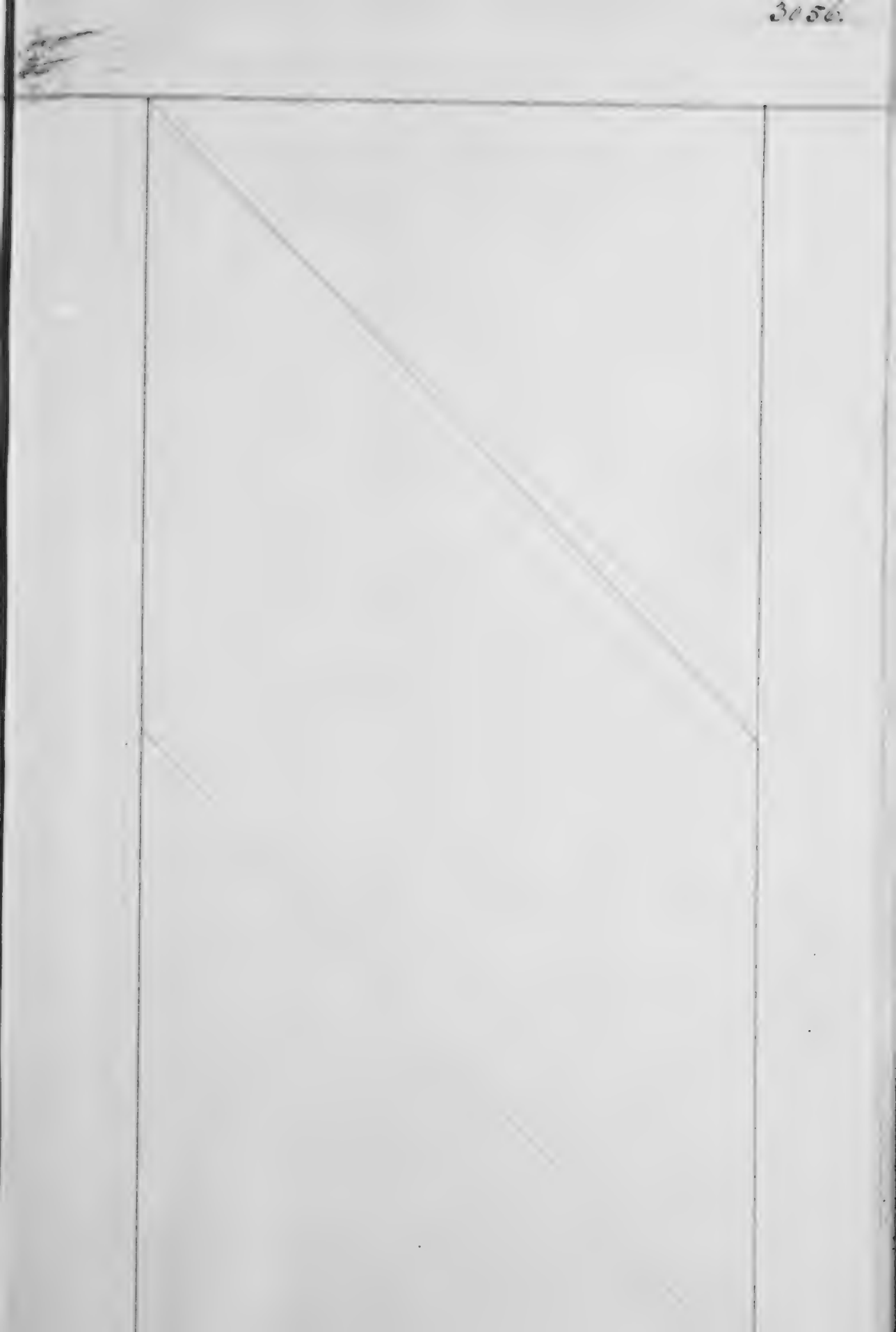
William King - - - - - Appellant -

45. vs

John Mitchell, Abram Rigg and Polly his wife, George W. Pickfield and Rachel his wife, Joseph Rigg and Elizabeth his wife, John Goode and Nancy his wife, Lucretia Henderson, and Mary his wife, William Hickman and Ann Hickman infant children of Polly Hickman by Abram Hickman their father and next friend, William A. Rigg and Samuel Rigg and Stephen Pendley

On appeal from the District Court of the United States for the Western District of Va.

This cause came on to be heard on the transcript of the record from the District Court of the United States for the Western District of Virginia and was argued by counsel on consideration whereof it is now ordered by this court that the decree of the said District Court in this cause be and the same is hereby with costs - And it is further ordered and decreed by this court that this cause be and the same is hereby remanded to the said District Court with directions that further proceedings be had therein according to law and justice and in conformity to the opinion of this Court.



Friday March 7 1834 Continued

	[illegible]	On motion of Mr Sargeant of
	in	Counsel for the Defendant
	Joseph of the Solomon Val.	in Error. It is ordered

by the Court that this cause be and the same is hereby continued to the next term of the Court.

110	Robert Pirtle Appellt	On motion of Mr Sargeant of
	vs	Counsel for the appellee. It is
	Charles Patten et al	ordered by the court that the

Cause be and the same is hereby continued to the next term of this court.

	James Greenleaf Plff in Er.	On motion of Mr Coxe of
113	vs	Counsel for the Plaintiff in
	James Birth	Error. It is ordered by the

Court that this cause be and the same is hereby continued to the next term of this Court.

	William H Bradley Plff in Er	On motion of Mr Coxe of
114	vs	Counsel for the defendant in
	[illegible]	error. It is ordered by the court

that this cause be and and the same is hereby continued to the next term of this Court.

	Samuel B Hobart Val. Appellt	This cause having been called
104	vs	by the court for argument and
	Andrew Morgan et al	Counsel not being prepared. It

is ordered by the court that this cause be and the same is hereby placed at the foot of the docket

Friday March 7 1834 Continued.

Friday March 7 1834 Continued

The United States plff in Er. vs Joseph Mourse.	On motion of Mr. Attorney General of counsel for the plaintiff in Error. It is ordered by the court that this cause be and the same is hereby postponed for the present.
Thomas Bronsheirs & complts vs William Childs & al.	This cause having been called for argument by the counsel and no counsel appearing. It is thereupon ordered by the court that this cause be and the same is hereby sent to the foot of the docket under the 38th rule of this court.
Richard Smith plff in Er. vs Enoch Wingfield	In Error to the Circuit court of the United States for the District of Columbia holden in and for the County of Washington. On the motion of Mr. Coyle in behalf of defendant in Error and by consent of Mr. Sergeant of counsel for the plaintiff in Error. It is ordered and adjudged by this court that the writ of error to the Circuit Court of the United States for the District of Columbia holden in and for the County of Washington be and the same is hereby dismissed with costs. Ordered the Marshall
Richard Smith plff in Er. vs Enoch Wingfield	On motion of Mr. Coyle of counsel for the defendant in Error. It is ordered by the Court that the Clerk of this court do forthwith issue the Mandate in this cause. —

The Declaration being made the Court is adjourned until ten o'clock tomorrow morning —

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Saturday . March 8 1834.

[illegible]

[illegible]

[illegible]

Saturday March 8 1834 Continued

The United States plff in Er.	In Error to the Circuit Court
107 vs	of the United States for the District
Andrew Mack, Thomas Tunnell	of Maryland. —
& James Wilkes ptf. —	

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of Maryland and was argued by counsel on consideration whereof It is ordered and adjudged by this court that the judgment of the said Circuit Court in this cause be and the same is hereby affirmed. — Ps. Mr. Justice Thompson

Clare Watson Robinson Watson	In Error to the Supreme Court
Daniel Watson Samuel Hooker	of the Commonwealth of
[illegible]	Pennsylvania for the Pancaster
[illegible]	District —
98 vs [illegible]	
John Mercer & Margaret Mercer	

This cause came on to be heard on the transcript of the record from the Supreme Court of the Commonwealth of Pennsylvania for the Pancaster District and was argued by counsel On consideration whereof It is ordered and adjudged by this court that the judgment of the said Circuit Court in this cause be and the same is hereby affirmed with costs. —

Ps. Mr. Justice Story

[illegible]

[illegible]

[illegible]

In Error to the Supreme Court of the Commonwealth of Pennsylvania for the Eastern district

This cause came on to be heard on the transcript of record from the Supreme Court of the Commonwealth of Pennsylvania for the Eastern district and was argued by counsel — On consideration whereof It is ordered and adjudged by this court that the judgment of the said Supreme Court in this cause be and the same is hereby affirmed with costs.

18.	Stockton's Lessee Plff in Error vs The Potomac Company	The argument of the counsel for the Plaintiff in Error was heard by Mr Read for the plaintiff in Error and by Mr Jones for the Defendant in Error was concluded by Mr Taney for the plaintiff in Error.
22.	Gabriel Richard Antonie Legrimdre & Louis Beaufait plffs in Error vs Francis Sabourin	In Error to the Supreme Court of the Territory of Michigan. The plaintiffs in Error in the cause having by their Attorney confessed a rule of the court

Saturday March 8 1834 Continued.

to come into court and prosecute this writ of error to the Supreme Court of Michigan and failing so to do. It is therefore ordered and adjudged by this court that this writ of error be and the same is hereby dismissed with costs. —

"Jno. Mc Kn. Chf. Jus. Marshall"

William Cardwell vs. Appt. On motion of Mr Hardin of counsel for the appellants and Saml. [illegible] vs. [illegible] by consent of Mr Loyd of counsel for the appellees. It is ordered by the court that this cause be and the same is hereby continued to the next term of this court. —

Silas A. Arthur Walker vs. Appt. | On motion of Mr Loyd of counsel for the plaintiffs. It is ordered by the court that this cause be and the same is hereby continued to the next term of this court.

William Lemon vs.

Each motion being made the Court is adjourned until

by reason of the [illegible] period. —

Monday March 10 1834.

pursuant to adjournment the Court met this morning at the Capitol

Present

The Honorable	the Marshall	Clerk Court
The Judges	Gabriel Duvall Joseph Story Smith Thompson John McLean Henry Baldwin	Associate Justices

Alexander Hunter Esquire Marshal
William Thomas Carroll Clerk

[illegible]

On motion it was ordered by the Court in this case that the Sergeant at Arms do take into his custody the body of Francis S Key Esquire of the State of Pennsylvania to answer to the charge of a contempt of this Court in having published in the National Intelligencer of this morning a certain libel on the Court and on the Judges thereof and that he bring the said Francis S Key forthwith before the Court to answer to the said charge

Alexander Hunter Esquire of the District of Columbia appeared and produced the following letters Patent which were read in open Court and ordered by the Court to be recorded on the minutes of this Court in the following words to wit

"Andrew Jackson President of the United States of America to all whom these Presents shall come Greeting Know ye that reposing special trust and confidence in the integrity ability and patriotism of Alexander Hunter

of the District of Columbia, I have nominated, and, by and with the advice and consent of the Senate, do appoint him Marshal of the United States, in and for the District of Columbia, and authorize and empower him to execute and fulfil the duties of that office according to law. And to Have and to Hold the said office, with all the powers privileges and emoluments to the same of right appertaining, unto him the said Alexander Hunter for the term of four years from the tenth day of the present month of March unless the President of the time being, should be pleased sooner to revoke and determine this Commission

In Testimony Whereof, I have caused these Letters to be made Patent and the Seal of the United States to be hereunto affixed

Given under my hand, at the City of Washington the tenth day of March in the year of our Lord one thousand eight hundred and thirty four and of the Independence of the United States the American the fifty eighth

By the President Andrew Jackson

Louis McLane, Secretary of State

On a back of which is the following indorsement viz: District of Columbia to wit On the eighth day of March eighteen hundred and thirty four before me Chief Judge of the District of Columbia and sole Judge of the District Court personally appeared the within named Alexander Hunter and took before me in due form of Law the oath of office as Marshal of the District of Columbia and also the oath to support the Constitution of the United States

Monday March 16 1834 Continued.

17	Estate of Samuel Smith ... Appellant vs. Robert Purdon's Heirs	It is ordered by the Court that this cause be and the same is hereby continued to the next Term of this court
34	Bank of the ... Appellant vs. Thomas Swann ...	On motion of the Counsel for the Appellant by consent of the Counsel for the Appellee it is ordered by the court that this cause be and the same is hereby continued to the next term of this court
45	Charlotte M. Dennis ... vs. James F. Heath's Admr.	On motion of the Counsel for the Appellant it is ordered by the court that this cause be and the same is hereby continued to the next term of this court
46	Bank United States ... Appellant vs. Andrew Donaldson ...	On motion of the Counsel for the Appellant by consent of the Counsel for the Appellee it is ordered by the court that this cause be and the same is hereby continued to the next term of this court
39	John Goulson ... Appellant vs. Thomas Ellicott ...	It is ordered by the court that this cause be and the same is hereby continued to the next term of this court

Monday March 6 1834 Continued.

Henry Boyd Val. Plff in Er 97. vs John Hiernan	On motion of Mr Sergeant of counsel for the defendant in Error and by consent of Mr Doughborough of counsel for the Plaintiff in Error It is ordered by the Court that this cause be and the same is hereby continued to the next term of this court.

Stephen Wallace Plff in Er 67. vs The United States	On motion of Mr Wirt of counsel for the Plaintiff in error It is ordered by the Court that this cause be and the same is hereby continued to the next term of this court.

Bank United States Apbllt 72. vs Samuel White Val	This cause was argued by W Sergeant of counsel for the Appellant and submitted on printed argument by W Irwin on behalf of the Appellees

Domingo Arteaga Plff in Er 57. vs Chas. T. Conrey Val	It is ordered by the court that this cause be and the same is hereby continued to the next term of this court.

*

Proclamation being made the court is adjourned until tomorrow morning at eleven oclock.

* Hezekiah McCall Apbllt	On motion of Mr Swann of Counsel for the Appellee. It is ordered by the court that this

Tuesday March 11 1834.

Present & Adjournment the Court met this morning at the Capitol

Present

The Honorable John Marshall Chief Justice

The Hon'ble | Gabriel Duvall, Joseph Story, Smith Thompson, John McLean, Henry Baldwin | Associate Justices

Alexander Hunter Esquire Marshal

William Thomas Carroll Solicitor

Proclamation being made the Court is opened.

James McCulloch, John McCulloch, John McCulloch and Jane his wife, Hugh McCulloch, William McCulloch, John McNutt, Robert Bell, and Grizzy his wife, James Gammel, Jonathan and John Berry, Jenny Hallow, and Polly his wife, James Maxwell and Grizzy his wife, John Steele and Prudence his wife and Sarah Williams and Joseph her husband

vs

20 James Marshall, Joseph Dean, and Margaret his wife, James McCulloch, Robert, James, Gammel, William, Washington and Patrick McCulloch and William Gutherie and Polly his wife. —

On appeal from the Circuit Court of the United States for the District of West Tennessee

This cause came on to be heard on the Transcript

Monday March 11 1831 Continued.

Henry Rowan Plff in Er
vs
Ed. Rowan

On motion of Mr Sergeant of counsel for the defendant in Error and by consent of Mr Doughborough of counsel for the Plaintiff in Error It is ordered by the Court that this cause be and the same is hereby continued to the next term of this court

Alphonso Delaunay Plff in Er
vs
The United States

On motion of Mr Benton of counsel for the Plaintiff in error It is ordered by the Court that this cause be and the same is hereby continued to the next term of this court.

Bank United States Appellt
vs
Jacob White. Val

This cause was argued by Mr Sergeant of counsel for the appellant and submitted on printed argument by Mr Brown on behalf of the appellees

Domingo Mr Lelegue Plff in Er
vs
John N. Darcy Val

It is ordered by the court that this cause be and the same is hereby continued to the next term of this court.

Proclamation being made the court is adjourned until tomorrow morning at eleven o'clock

Hopewell McCall Appellt

On motion of Mr Swann of Counsel for the appellees. It is ordered by the court that this

Tuesday March 11 1834.

Pursuant to adjournment the Court met this morning at the Capitol

Present

The Honorable John Marshall Chief Justice

The Hon'ble Gabriel Duvall, Joseph Story, Smith Thompson, John McLean, Henry Baldwin — Associate Justices

Messrs. Hamilton Virginia Marshal, William Thomas Carroll Clerk

Proclamation being made the Court is opened.

James McCutcheon, John McCutcheon, John Hutchinson and Jane his wife, Hugh McCutcheon, William McCutcheon, John McNutt, Robert Bell, and Grizzy his wife, James, Samuel Jonathan and John Berry, Lenny Hatton, and Polly his wife James Mapimee and Grizzy his wife, John Steele and Indiana his wife and Sarah Williams and Joseph her husband

his — Appellants

20

James Marshall, Joseph Dean, and Margaret his wife, James McCutcheon, Robert, James, Samuel, William, Washington and Patrick McCutcheon and William Caldwell and Polly his wife. — Appellees —

On appeal from the Circuit Court of the United States for the District of West Tennessee.

This cause came on to be heard on the Transcript of the record

Tuesday March 11 1834. Continued.

from the Circuit Court of the United States for the District of West Tennessee and was argued by counsel. On consideration whereof. It is ordered, adjudged and decreed by this court that the decree of the said Circuit Court in this cause be and the same is hereby affirmed with costs.

"Jos. M. Hrs. Thompson"

John Seitz Plff in Er	In Error to the Circuit Court of
vs	the United States for the District of
105. Otho M Sinthieum	Columbia holden in and for the
	County of Washington.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of Columbia holden in and for the County of Washington and was argued by counsel. On consideration whereof, it is ordered adjudged & decreed by this court that the Judgment of the Circuit Court in this cause be and the same is hereby affirmed with costs and damages at the rate of six per centum per annum

"Jos. Story"

The United States Plff	Certificate of division in opinion
vs	between the Judges of the Circuit
110 Adam Kuhnenbuch	Court of the United States for the
	District of Pennsylvania.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of Pennsylvania and on the question and point on which the Judges of the said Court were divided in opinion in opinion and which was ordered to be certified to this court by its clerk under the seal thereof

Tuesday March 11 1834 Continued —

& the act of Congress in such case made and provided and was argued by Counsel on consideration whereof It is the opinion of this Court that Judgment on the demurrer to the second plea pleaded by the Defendant & the indictment filed against him ought to be rendered for the United States — Whereupon it is ordered and adjudged by this court that the said District Court Shall Judgment on the demurrer to the second plea pleaded by the defendant to the indictment filed against him ought to be rendered for the United States.

By the Court Marshall

Henry Wheaton Sol. Appt[s] | The argument of this cause
vs | was commenced by Mr Paine
Richard Peters Sol ... | for the appellants —

Proclamation being made the court is adjourned until tomorrow morning at eleven o'clock. —

Wednesday March 1st 1834.

Pursuant to adjournment the Court met this morning at the Capitol

Present

The Honorable John Marshall Chief Justice

The Honorable Gabriel Duvall, Joseph Story, Smith Thompson, John McLean, Henry Baldwin — Associate Justices

Hon. Richard Cutts Mercer Marshal
William Thomas Carroll Clerk

Proclamation being made the Court is opened —

On motion first made to the Court in this behalf by Mr White It is ordered that William W Boardman Esquire of the State of Connecticut be admitted a practicing attorney and counsellor of this Court and he was sworn accordingly —

Stacy Taggart by his Committee Neville B Craig Esq. is Pltff in Error

vs

The Bank of Gallatin Swango & Wife Defts

In Error to the District Court of the United States for the Western District of Pennsylvania

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the Western District of Pennsylvania and was argued by counsel On consideration whereof it is ordered and adjudged by this Court that the judgment of the said District Court

Wednesday March 1st 1834. Continued.

in this cause be and the same is hereby reversed and that this cause be and the same is hereby remanded to the said District Court for further proceedings to be had therein according to law and justice and in conformity to the opinion of this court. — Jno. McKinley & Com.

	Jacob Hummel plff in Er.	In Error to the Circuit
18.	vs	Court of the United States
	The Potomac Company.	for the District of Columbia
		holden in and for the County
		of Washington

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of Columbia holden in and for the County of Washington and was argued by Counsel — On consideration whereof it is ordered and adjudged by this court that the judgment of the said Circuit Court in this cause be and the same is hereby affirmed with costs. — Jno. McKinley & Com.

	The United States plff in Er.	On appeal from the Superior
92.	vs	Court for the Eastern District
	George A. Clarke	of Florida

This cause came on to be heard on the transcript of the record from the Superior Court for the Eastern District of Florida and was argued by Counsel — On consideration whereof this court is of opinion that there is no error in so much of the decree of the said Court of which complaint is made by Easter Term Eighteen Hundred and thirty-two, as to the mortgage and decree that the claim of the Petitioner

Wednesday March 19 1834 Continued

in that court is valid, and so much thereof as confirms the same unto the Claimant to the extent and agreeably to the boundaries as in the grant for the said lands, and in the plat of survey thereof made by Don Antonio Bourguin of eight thousand acres and dated the twenty fourth of Feb one thousand eight hundred and nineteen filed in this cause, and that so much of the said decree ought to be affirmed and but that so much of the said decree as confirms to the claimant the lands contained in two other surveys thereof made by the said Don Antonio Bourguin filed also in this cause, one for five thousand acres on the tenth of March Eighteen hundred and nineteen and the other for three thousand acres on the twelfth of the same month is erroneous and ought to be reversed and the same is hereby reversed accordingly - and this court doth remand the said to the said Superior Court with directions to conform the decree and to take such further proceedings in the premises that the remaining eight thousand acres which have been improperly surveyed without authority, be surveyed on any lands now vacant within the limits of the grant made to the petitioner on the eighth of April Eighteen hundred and fifteen, and that the title of the petitioner to the land so surveyed be confirmed - all which is ordered adjudged and decreed by the court -

Ch. J. Mr. Justice Marshall

Henry Wheaton vs Peter

The argument of this cause was continued by Mr Paine for the Appellants -

On motion being made the court is adjourned until

Thursday March 13 1834.

Pursuant to adjournment the Court met this morning at the Capitol —

Present

The Honorable John Marshall Chief Justice

The Hon'ble Joseph Story / Gabriel Duvall / William Thomas Carroll / John McLean / Henry Baldwin — Associate Justices

Alexander Hunter Esquire Marshal
William Thomas Carroll Clerk

Proclamation being made the Court is opened

Henry Winston Hall Appellant
vs
Richard Peters Jun. Hall — The argument of this cause was continued by Mr. Peters & Sergeant for the appellee

Ex parte. Martha Brevard. / In the matter of Martha Brevard - Executrix
vs
Henry Huntington Brevard — On motion for an attachment mandamus &c to show cause why &c

On consideration of the motion of Mr. Key Esquire of Counsel for the Executrix & petition & affidavits & exhibits to support the charge of the Defendant having violated the Rules for the Southern District of New York & upon which Judgment to be entered and a writ issued commanding &c

Thursday March 13 1834 Continued.

the verdict of the Grand Inquest rendered in favor of the said Martin Vanderheyden against the said Henry Humbleton in the said District Court on the Eighth day of February one thousand eight hundred and thirty four - and to obtain an attachment against the District Judge for this prohibiting the Commandant from [illegible] of Troops to assemble the Grand Inquest in each respective County which is at issue and which should otherwise have been tried at the present Session of the said District Court to be held at Albany on the second Tuesday of May next and also for a rule on the said District Judge to show cause why a mandamus should not be [illegible] of the Judgments of the said District Court by the Counsel for the said Commandant - It is now here considered and adjudged by this court that the said motion be and the same is hereby dismissed and overruled. -

P. M. Ch. Jus. Marshall"

Proclamation being made the court is adjourned until tomorrow morning at eleven oclock. -

Friday March 14. 1834.

Pursuant to adjournment the Court met this morning at the Capitol

Present

The Honorable John Marshall Chief Justice

The Honble | Gabriel Duvall / Joseph Story / Smith Thompson / John McLean / Henry Baldwin | Assoc. Justices

Alexander Hunter Esquire Marshal
William Thomas Carroll Clerk

Proclamation being made the Court is opened

On motion first made to the Court in this behalf by Mr Webster. It is ordered that Sidney Breese Esquire of the State of Illinois be admitted to practice as an attorney and counsellor of this Court and he came forward and was sworn

Thomas Hammond, Mary G. P. [illegible] Mary [illegible] Executors of Thomas [illegible] deceased vs [illegible] the Chesapeake & Ohio Canal Company —

On appeal from the Circuit Court of the United States for the District of Columbia holden in and for the County of Washington

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of Columbia holden in and for the County of Washington

Friday. March 14. 1834 Continued

ms. was argued by counsel on consideration whereof it was ordered adjudged and decreed by this Court that the decree of the said Circuit Court in this cause be and the same is hereby affirmed with costs. — "Jr. M. Chief Justice Thompson" —

The Bank of the United States		On appeal from the Circuit Court of the United States for the District of Ohio. —
vs.		
Jacob White, David Cummins and Robert Bennefield —		This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of Ohio and was argued by counsel. On consideration whereof. It is ordered adjudged and decreed by this Court that the decree of the said Circuit Court in this cause be and the same is hereby reversed and that this cause be and the same is hereby remanded to the said Circuit Court with direction to dismiss the Bill of review in this cause. — "Jr. M. Chief Justice Story"

The United States Appellt		On appeal from the Superior Court for the Eastern District of Florida. —
vs.		
Joseph M. Hernandez		This cause came on to be heard on the transcript of the record from the Superior Court for the Eastern District of Florida and was argued by counsel — On consideration whereof It is ordered adjudged and decreed by this Court that the decree of the said Superior Court confirming the title of the petitioner in this cause be and the same is hereby affirmed in all respects. — "Jr. M. Chief Justice Marshall"

Friday March 14 1834 Continued

The United States Appellants vs John Hunter's ———	On appeal from the Superior Court for the Eastern District of Florida

This cause came on to be heard on the transcript of the record from the Superior Court for the Eastern District of Florida and was argued by counsel — On consideration whereof. It is the opinion of this court that there is no error in so much of the decree of the said Superior Court as confirms the claim of the Claimant to the [illegible] confirming the title of the Claimant to the [illegible] according to the boundaries in the Survey dated the Nineteenth day of September 1818 and the 31st day of May 1820 and so far it is ordered adjudged and decreed by this Court that the said decree be and the same is hereby affirmed

But it is the opinion of this Court that there is error in so much of the said decree as confirms the title of the Claimant to the extent and agreeably to the boundaries as in the survey dated the 26th day of June 1828 and that the said decree so far as respects the title to the land contained in that survey be and the same is hereby reversed — And it is further ordered and decreed by this court that this cause be and the same is hereby remanded to the said Superior Court with directions to reform the said decree so as to conform the same to the decree of this Court by decreeing the said Juan Hunters claim to be confined within the bounds of the grant to the Claimants if the Claim be now vacant. —

"Wm. M. Christmas Marshal"

Friday March 14 1834 Continued.

The United States Appl
vs
C. D. Clarke

On appeal from the Superior Court for the Eastern District of Florida.
This cause came on to be heard on the Transcript of the record from the Superior Court for the Eastern District of Florida and was argued by Counsel. On Consideration Whereof, It is ordered adjudged and decreed by this court that the decree of the said Superior Court in this cause confirming the title of the Claimant to and the same is hereby affirmed in all respects. —
Jn. Mc Kee Chief Justice Marshall

United States Appl
vs
Antonio Hovelas

On appeal from the Superior Court for the Eastern District of Florida.
This cause came on to be heard on the Transcript of the record from the Superior Court from the Superior Court for the Eastern District of Florida and was argued by Counsel — On consideration whereof, It is ordered adjudged and decreed by this court that the decree of the said Superior Court so far as it confirms the claim of the petitioner to be and the same is hereby affirmed, and that so much of said decree as confirms his title to the lands contained in the several plats of surveys referred to in the said decree be and the same is hereby reversed — and that this cause be and the same is hereby remanded to the said Superior Court with directions to cause a survey to be made of the lands contained in the said concession according to the terms thereof and to decree the same to the claimant so far as he has retained his title thereto. Jn. Mc Chief Justice Marshall

Friday March 14 1834. Continued.—

Henry Wheaton vs. Peters vs. Richard Peters vs.	The argument of this cause was continued by Mr Sergeant for the appellees and concluded by Mr Webster for the appellants

74

Samuel Hazzard admr of Thomas Hazzard jr. Plff in Er. vs. The New England Marine Insurance Company.	In Error to the Circuit Court of the United States for the District of Massachusetts

99

This cause came on to be heard on the record from the Circuit Court of the United States for the District of Massachusetts and was argued by counsel on consideration whereof it is the opinion of this court that the said Circuit Court erred in instructing the jury "that in ascertaining what is to be understood as a voyage by ship in applications for insurance on a voyage of this nature, the terms of the application are to be understood according to the ordinary use and usage of those terms in the place where the insurance is asked for and made, unless the underwriter knows that a different sense and usage prevails in the place in which the ship is then lying or in which the owner resides and from which he is also asking for the insurance; or unless the underwriter has some other knowledge that the owner uses the words in a different sense and usage from that which prevails in the place where the insurance is asked for and made." — But that there is no error in the other instructions given by the said Circuit Court

Friday March 14 1834 Continued.

Whereupon it is ordered and adjudged that the Judgment of the said Circuit Court be and the same is hereby reversed for the error - and that in all other respects the said judgment be and the same is hereby affirmed - And it is further ordered by this court that this cause be and the same is hereby remanded to the said Circuit Court with directions to award a venire facias de novo and that further proceedings be had in said cause according to right and justice and in conformity to the opinion of this court.

"Wm. Wm. Jno. McLean"

Order of Court -
1st 14.

Ordered that the original opinions of the court delivered to the Reporter, be filed in the office of the Clerk of the Court for preservation as soon as the volume of the Reports for the term at which they are delivered, shall be published.

Proclamation being made the Court is adjourned until tomorrow morning at eleven o'clock.

Saturday March 10 1834.

pursuant to adjournment the Court met this mo
at the Capitol

present

The Honorable John Marshall Chief Justice

The Honble Joseph Story
Smith Thompson
Henry Baldwin
Gabriel Duvall
William Thomas Carroll Clerk

Proclamation being made the Court is opened

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62. The United States Appellt : On appeal from the Superior
Court for the Eastern District
Francis Richard of Florida.

This cause came on to be heard on the transcript of the record from the Superior Court for the Eastern District of Florida and was argued by counsel. On consideration whereof this Court is of opinion that there is no error in so much of the decree of the Superior Court for the District of East Florida in this case as declares the claim to be valid and as confirms the title of the petitioner to the land described in the second survey in the petition and in the plat annexed to the petition and in the certificate of survey bearing fifteen hundred acres made the 26th of November 1824 and both affirm so much thereof. But the Court is

Saturday March 15 1834 Continued

of opinion that there is error in so much of the said decree as confirms the title of the petitioner to the land ~~[illegible]~~ in the first survey made on the first day of November 1824 because the said survey is admitted by the petitioner to contain more than fourteen thousand four hundred acres of land not previously granted. This court doth therefore reverse so much of the said decree as confirms the title of the petitioner to the land contained in the said survey according to the exterior boundaries in the said decree described and doth remand the cause to the said Superior Court with directions to conform its decree to the decree of this court by ordering the said tract to be so surveyed as to contain fourteen thousand four hundred acres of land not previously granted and no more. —

"P. M. Ch. Jus. Marshall"

~~[illegible]~~ 52.

~~[illegible]~~

~~[illegible]~~

On appeals from the Superior Court for the Eastern District of Florida.

This cause came on to be heard on the transcript of the record from the Superior Court for the Eastern District of Florida and was argued by counsel. On consideration whereof It is ordered adjudged and decreed by this court that the decree of the said Superior Court in this cause be and the same is hereby affirmed in all respects. —

"P. M. Ch. Jus. Marshall"

Saturday March 15 1834 Continued.

81. The United States appellt
vs
Thomas D'Wolf and Francis
Guillaume heirs of Francis
D'Wolf deceased

On appeal from the Superior Court for the Eastern District of Louisiana.

This cause came on to be heard on the transcript of the record from the Superior Court for the Eastern District of Louisiana and was argued by counsel - On consideration whereof It is ordered adjudged and decreed by this Court that the decree of the said Superior Court in this cause be and the same is hereby affirmed with costs and interest in all respects

Wm. Mc.Kh. Thos. Marshall

84. The United States - appellt
vs
Emilie M. Gomez -

On appeal from the Superior Court for the Eastern District of Louisiana

This cause came on to be heard on the transcript of the record from the Superior Court for the Eastern District of Louisiana and was argued by counsel On consideration whereof It is ordered and decreed by this court that the decree of the said Superior Court in this cause be and the same is hereby affirmed in all respects.

Wm. Mc.Kh. Thos. Marshall

85. The United States - appellt
vs
[illegible] widow [illegible]
[illegible] heirs of [illegible]
and [illegible] heirs of George

On appeal from the Superior Court for the Eastern District of Louisiana

This cause came on to be heard on the transcript

Saturday March 15 1834 Continued.

Superior Court for the Eastern District of Florida and was argued by Counsel - On Consideration whereof It is ordered and decreed by this Court that the decree of the Superior Court in this cause be and the same is hereby affirmed in all respects. — Jno. M. Chs Jus Marshall

The United States Appellt vs Moses B. Levy	On appeal from the Superior Court for the Eastern District of Florida

This cause came on to be heard on the Transcript of the record from the Superior Court for the Eastern District of Florida and was argued by Counsel On Consideration whereof this Court is of opinion that there is no error in so much of the decree of the Superior Court of the District of East Florida as declares the claim of Moses B. Levy valid and in so much of the said decree as confirms to the petitioner the Lands conveyed to him conformable to the grant to Ralph K. Young of the 22d of February 1817. in the grant to Peter Miranda of the 10th day of September 1817 in the grant to Fernando de la Maza Arredondo of the 25th of March 1817 and in the grant to George J. Ellis of the 1st of December 1817 as recorded in said decree, but this court doth affirm the same so far as relates to the land claimed by the petitioner as three several grants and confirmations. But this court is of opinion that there is error in so much of the decree pronounced on the 23d of May 1832 and in so much of the decree pronounced on the 25th of the same month as confirms the title of the

Saturday March 15 1834 Continued.

made to Antonio Hernandez according to the
bounds described in the said decree — and
recover the same. — And doth further adjudge and
decree that this cause be remanded to the Said
Court for the purpose of
to conform in all things to this decree, and if it
shall appear to that Court that the tract of 10240
acres has not been surveyed according to the con-
firmation made to Antonio Hernandez on the 15th of
September 1817 that the same be resurveyed on the
lines contained in the said confirmation and be granted
and confirmed to the petitioner if the same be no
vacant. —

Jos. M. Ch. Jus. Marshall

The United States appellants
vs
William Gibson, Sophia
Flemming, widow and heirs,
Mary and George Flemming
children of George Flemming
and all Lins of Pennis
Philip Fatio, dec'd —

On appeal from the Superior
Court for the Eastern District
of Florida

This cause came on to be
heard on the transcript of
the record from the Superior
Court for the Eastern
District of Florida and
was argued by Counsel. —

On consideration whereof. It is ordered adjudged and
decreed by this court that the decree of the said Superior
Court in this cause be and the same is hereby affirmed
in all respects. —

Jos. M. Ch. Jus. Marshall

Saturday March 15 1834. Continued.

The United States appellants vs Philip R. Fenwick	On appeal from the Superior Court for the Eastern District of Florida This cause came on to be heard on the transcript of the record from the Superior Court for the Eastern District of Florida and was argued by counsel. On consideration whereof. It is ordered, adjudged and decreed by this court that the decree of the said Superior court in this cause be and the same is hereby affirmed in all respects. Jr. Mr. Ch. Jus. Marshall
The United States appellants vs [illegible] et al.	This cause was submitted to the consideration of the court on printed arguments by Mr. Key and Benton on behalf of the appellants and by Mr. Grymes for the appellees.
Colin Mitchell et al. appellants vs The United States	On motion of Mr. Call of counsel for the appellees. It is ordered by the court that this cause shall not be called for argument before the 1st day of February 1835.
The United States for the use of Boffit &c. vs [illegible]	This cause was commenced by Mr. Hardin for the plaintiff in error and continued by Mr. Key for the defendant in error.

Monday March 17th 1834.

[illegible] at the usual hour this morning at the Capitol

Present

The Honorable John Marshall Chief Justice

	William Cranch	
	Gabriel Duvall	
The Hon'ble	Smith Thompson	Associate Justices
	[illegible]	
	Henry Baldwin	

Alexander Hunter Esquire Marshal
William Thomas Carroll Clerk

Proclamation being made the Court is open

On motion first made to the Court in this behalf by the Attorney General - It is ordered that Aaron Ogden Taylor Esquire of the District of Columbia be admitted to practice as an attorney and Counsellor of this Court and he was sworn accordingly -

The President Directors and Company of the Chesapeake & Ohio Canal	In Error to the Circuit Court of the United States for the Western District of Virginia
vs.	
The United States - Return to Mandamus formerly	This cause came on to be heard on the transcript of the record from the District Court of the United States for the Western District of Virginia and was argued

46

Monday March 17 1834 Continued

[illegible] it is considered by the court here that the judgment of the District Court of the Western District of Virginia is erroneous in this, that upon the demurrer of the said Donnally to the said fourth and fifth counts in the said declaration the judgment ought not to have been as is set forth in the record, but ought to have been, that the fourth and fifth counts aforesaid are good and sufficient in law to have and maintain the action aforesaid of the plaintiffs aforesaid for the matters contained therein - And it is further considered by the court here that the special pleas pleaded by the said Donnally of the Statute of limitations to the first second and third counts of the said declaration are good and sufficient in law to preclude the said plaintiffs from having and maintaining their action aforesaid thereon notwithstanding the matters set up by the said plaintiffs in their replication to the said special pleas. And it is further considered by the court here that the special pleas pleaded by the said Donnally to the said fourth and fifth counts of the declaration aforesaid of the statute of limitations and also of nil debet to the said fifth count are good and sufficient in law to preclude the said plaintiffs from having and maintaining the [illegible] inasmuch as it appears to the court here that upon the whole record the pleas aforesaid so as aforesaid pleaded by the said Donnally and adjudged in his favor are in law a good and sufficient bar to the action aforesaid upon all the counts contained in the declaration aforesaid notwithstanding the fourth and fifth counts thereof are otherwise good and sufficient

Monday March 17. 1834. Continued.

in Law. It is therefore considered by the Court here that the Judgment aforesaid of the Circuit Court of the Western District of Virginia, that the said Plaintiffs take nothing by their bill aforesaid be and the same is hereby affirmed with costs.

Mr. J. Thompson delivered the Opinion of the Court.

The United States Appellants
vs
The Heirs of Morgan
Nathan Goodale Claimt

On Appeal from the Circuit Court of the United States in the Eastern District of Louisiana.

This cause came on to be heard on the Transcript of the record from the Circuit Court of the United States for the Eastern District of Louisiana and was argued by Counsel.

Whereof, It is ordered adjudged and decreed by this Court that the decree of the said Circuit Court in this cause be and the same is hereby affirmed and that the Appellants pay to the Appellee his costs by him expended in the prosecution of his claim in this Court.

Mr. J. Thompson.

Charles St. Amant & al. Appts
vs
Jane Richard Commissioner
and William Murphy

In Error to the Court for the State of New York

The record from the Court for the Correction of Errors of the State of New York was returned to this Court by the writ of Error issued in this cause, and was argued by Counsel. On consideration whereof, It is the opinion of this Court that the Judgment of the said Court for the

Monday March 17 1834 Continued —

[illegible] of the Bill of Complaint in the [illegible] of the Supreme Court of Chancery [illegible] Bill of Complaint [illegible] by the said Bill of Complaint [illegible] and the same is Finally affirmed with costs —

P. K. Ch. Jno Marshall

Proclamation being made the court is adjourned until tomorrow morning at eleven oclock. —

Tuesday March 18 1834.

Pursuant to adjournment the court met this morning at the Capitol

Present

The Honble [illegible] Chief Justice

The Honble [illegible] Associate Judges

[illegible]

Proclamation being made the court is opened

[illegible] the plaintiff

vs.

[illegible] Travis & Sons

The cause coming on to be heard the plaintiff in Error having leave to show to the Court, at its next Summary Term, that the matter in this cause in dispute exceeds the sum of five thousand dollars exclusive of costs the decision whereof is ordered and adjudged by this court that the said plaintiff in Error be at liberty to the satisfaction of this court at its next Summary Term that the matter in dispute exceeds the sum of five thousand dollars exclusive of costs to be made appear by affidavits or twenty days notice

Tuesday March 18 1834 Continued

Wednesday March 19. 1834. Continued.

Henry Wheaton and
Robert Donaldson
vs
Richard Peters and
&c. &c.

On appeal from the Circuit Court of the United States for the Eastern District of Pennsylvania.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the Eastern District of Pennsylvania and was argued by counsel. On consideration whereof it is ordered adjudged and decreed by this court that the judgment and decree of the said Circuit Court in this cause be and the same is hereby reversed and that this cause be and the same is hereby remanded to the said Circuit Court with directions to that court to order an issue of facts to be examined and tried by a jury, at the bar of said Court, upon this point, whether the said Wheaton as author or any other person or persons, and compliance with the requisites prescribed by the third and fourth sections of the act of Congress passed on the 29th day of May 1830. in regard to the exclusive rights in the said Bills mentioned, or in regard to one or more of them in the following particulars, viz. whether the said Wheaton or persons as aforesaid within two months from the entry of the recording thereof in the Clerks office of the District Court mentioned in the said record to be published in one or more of the Newspapers printed in the United States as by law directed; and whether the said Wheaton or persons aforesaid after the publishing thereof as aforesaid delivered or caused to be delivered to the Secretary of State of the United States a copy of the same to be preserved in his office according to the provisions of the

Wednesday March 19 1834

said Third and Fourth Sections of the [illegible] and such further proceedings be had in the [illegible] as may be agreeable to the rules and practice of this court. Thos. H. Benton McLean"

Thomas Toole's Exrs Complt

vs

William Childs Defendt

This cause coming on to be heard on the transcript of the record from the Circuit Court of the United States for the District of Kentucky

This cause coming on to be heard on the transcript of the record from the Circuit Court of the United States for the District of Kentucky and on the questions and points on which the Judges of the said Court were divided and which was certified to this court for its opinion agreeably to the act of Congress in such case made and provided and was argued by Counsel - On consideration whereof the court is of opinion 1st That under the circumstances stated in the [illegible] of the Judges the said Circuit Court could not take cognizance of the suit -

2nd That the want of proof that the Defendant was a citizen of the state in the amended bill as the Exrs of Joseph Toole were in fact his heirs is no objection to the decree on the merits of the cause - All of which is ordered and adjudged to be certified to the said Circuit Court under the seal of this court. -

Thos. H. Benton McLean

Assembly Parish of 1834 Continued.

Wednesday March 17 1834. Continued –

[illegible]

[illegible]

[illegible]

Wednesday March 19 1834 Continued.

The United States
vs
Phillips Elisha Foote
William H. Savage. Defendants

Writ of error to the District Court of the United States for the Southern District of New York.

Mr Attorney General on behalf of the United States moved the Court for a mandamus to the District Judge of the United States for the Southern District of New York commanding him to enter a rule entered on the 15th of March 1834. in a cause depending in said court between the United States & Phillips & others, ordering the trial of the same to be continued until the term of August next which was objected to by Mr Maxwell of counsel for the defendants in the cause. On consideration whereof, and of the arguments of counsel thereupon had. It is now here ordered and adjudged by this court that the motion for the mandamus be and the same is hereby overruled. —

Jr. M. Clerk Mr Marshall

Benjamin F. Gilman Appellant
vs
Peter G. Rives

On writ of error to the Circuit Court of the United States for the District of West Tennessee. —

Mr Hall of counsel for the plaintiff in error moved the Court for a further time to file the transcript of the record and a certificate under seal of the Clerk of the Circuit Court of the United States for the District of West Tennessee in following

Wednesday March 19 1834. Continued —

[illegible] that at the September term of this Court in the year 1831 Benjamin [illegible] Sheriff [illegible] Plaintiff and Peter G. Hines, was ejectment for [illegible] as appears by the Record of said Court [illegible] Court of the United States [illegible] Court was made out and by me delivered to [illegible] Washington Esq.r who informs me that he [illegible] the Record to the Honorable Thomas H. Benton & Washington City sometime during the [illegible]

In Testimony whereof I [illegible] my name as Clerk of the said Circuit Court at my office in Nashville this 19.th day of February A.D. 1834. Nath.l McKinney Clk

And now at this day came the said Plaintiff by his Attorney and moved the Court to dismiss this suit and in pursuance of the 30.th rule of this Court it is ordered that this cause be and the same is hereby dismissed. — It is therefore considered and adjudged by this Court that this suit be dismissed from the Circuit Court of the United States for the District of West Tennessee and the same is hereby dismissed and dismissed. —

Jno. M. Ch. Nic. Marshall

Wednesday March 1st 1854 Continued

William King - Appellt vs James White ...	It is ordered by the Court that this cause be and the same is hereby set down for re argument at the next Summary Term

Henry Wheaton and Appellt vs [illegible] ...	Mr Wheaton moved the Court [illegible] the cause be certified to the Clerk of the Court with directions [illegible] in a [illegible] copy of the same to the Appellants before it passes to the hands of the Reporter he being a party to the same — Whereupon it is ordered by the Court that the said cause be certified to the Clerk to give a copy as aforesaid

Proclamation being made the court is adjourned till the time and place appointed by law. —

1862.

August Term 1834.

At a Session of the Supreme Court of the United States begun and held at the Capitol in the City of Washington being the seat of the National Government of the United States on the first Monday of August being the fourth day of the same month in the year of our Lord one thousand eight hundred and thirty four and of the Independence of the United States the fifty ninth. Present The Honble [illegible] one of the Associate Justices of the said Supreme Court of the United States and resident of the Fourth Circuit in the State of Maryland presiding and the Clerk of the said Supreme Court attending. It is ordered by the said Judge that the following entries be made in the following words

	Ontario Insurance Co. vs. The United States.	Error to the [illegible] Circuit Court of the United States for the District of Pennsylvania. This cause came on to be heard on the transcript of the record from the said Circuit Court and was argued by counsel. On consideration whereof it is ordered and adjudged by this Court that the judgment of the said Circuit Court in this cause be and the same is hereby affirmed with costs.
	[illegible] vs. The United States.	Error to the Circuit Court of the United States for the District of Kentucky. This cause came on to be heard on the transcript of the record from the said Circuit Court and was argued by counsel. On consideration whereof it is ordered and adjudged by this Court that the judgment of the said Circuit Court in this cause be and the same is hereby affirmed with costs.
	[illegible] vs. The United States.	[illegible]

3104.

August Term 1834.

August Term 183[illegible]

[illegible]	[illegible]	[illegible]	[illegible]
[illegible]	[illegible]	[illegible]	[illegible]
[illegible]	[illegible]	[illegible]	[illegible]

3106.

August Term 1834.

Bell Ray	33	The London	Appellee Tennessee. C. C. U. S. 1834 Aug. Ordered to be continued James
Wade Lewis	15	Ohio	Appellee Ohio. C. C. U. S. 1834 Aug. Ordered to be continued Bates
White - Wales Lewis 20	15	Commonwealth Bank of Kentucky	Appellee Kentucky. Court of Appeals 1834 Aug. Ordered to be continued Commonwealth Bank of Kentucky
[illegible]	[illegible]	[illegible]	[illegible] 1834 Aug. Ordered to be continued [illegible]
[illegible]		Sheriff of Fayette Walker and William Lemon	Appellee Kentucky. C. C. U. S. 1834 Aug. Ordered to be continued William Lemon
Dyer	11	The Mayor &c of New York	Appellee New York. C. C. U. S. 1834 Aug. Ordered to be continued George Miles
Cooper Ray	20	The Bank of Georgia	Appellee So. Carolina. C. C. U. S. 1834 Aug. Ordered to be continued

August Term 1834.

3108.

August Term 1834.

August Term 1834

3110.

August Term 1834.

3112.

January Term 1835.

At the Capitol of the United States in the City of Washington and District of Columbia, being the present seat of the National Government of the United States on the second Monday of January / being the twelfth day of the same month / in the year of our Lord one thousand eight hundred and thirty five, and of the Independence of the United States the fifty ninth the Supreme Court of the United States met agreeably to law. –

Present

The Honorable John Marshall Chief Justice
Joseph Story
The Honble Smith Thompson Associate Justices
John McLean &
Henry Baldwin.
Alexander Hunter Esqre Marshal
William Thomas Carroll Clerk

Proclamation being made the Court is opened

No cause being ready for argument

Proclamation being made the Court is adjourned until tomorrow morning at eleven oclock. –

Tuesday January 13. 1835.

Pursuant to adjournment the Court met this morning at the Capitol.

Present

The Honorable	John Marshall	Chief Justice
The Honble	Joseph Story Smith Thompson John McLean & Henry Baldwin.	Associate Justices.

Alexander Hunter Esquire Marshal
William Thomas Carroll Clerk.

Proclamation being made the Court is opened.

Order of Court.

Mr Butler the Attorney General of the United States having moved the Court in pursuance of the 3d resolve contained in the subjoined proceedings of the Bar and officers of this court to have said proceedings entered on the records of the Court Mr Chief Justice Marshall remarked as follows The sentiments of respectful affection just expressed for our deceased brother are most grateful to myself and to all my brethren. We too concur with you, and in ordering the resolutions to be recorded, we indulge our own feelings not less than the feelings of those who make the application. Whereupon it is considered and ordered by the Court that the said proceedings of the Bar and officers be

Tuesday January 13 1835 Continued -

ejitered upon the minutes - and which are as follows. Viz -

At a meeting of the members of the Bar of the Supreme Court of the United States and of the Officers of the Court held in the Supreme Court held in the Supreme Court room in the City of Washington on Monday January 12th 1835.

Benjamin F. Butler Attorney General of the United States was appointed Chairman and Richard Peters Reporter of the Court was appointed Secretary -

On motion of Mr Jones the following Resolutions were unanimously adopted -

The Hon'ble William Johnson Senior Associate Justice of the Supreme Court of the United States having expired this life during the late vacation of the Court, and the members of this Bar and the Officers of the Court, entertaining the most grateful and lively remembrance of his eminent talents and learning, and of his many and shining virtues as a Judge and a man, and lamenting his loss with a sincerity and depth of feeling corresponding with their esteem for the public and private character of the deceased have resolved -

That as a token of their sentiments they will wear the usual badge of mourning during the residue of the term -

Resolved, That the Chairman & the Secretary

family of the deceased the solemn and considerable in which the virtues and talents of Mr Justice Thomson were held by the Bar and officers of this Court and assure them of their sincere sympathy in the loss which they the Court and the County have sustained in his death.

On motion of Mr Ogden

Resolved that the Attorney General on behalf of the Bar and officers of this Court do respectfully move the Court that the foregoing resolutions may be entered on the minutes of the Court -

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On motion first made to the Court in this behalf by Mr Attorney General. It is ordered that Edmund P Pelton Esquire of the State of New York be admitted to practice as an Attorney and Counsellor of this Court and he was sworn accordingly -

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On motion first made to the Court in this behalf by Mr White. It is ordered that James F Mayfield Esquire of the State of Mississippi be admitted to practice as an Attorney and Counsellor of this Court and he was sworn accordingly. -

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Charles River Bridge pff in Er
v
Warren Bridge def

Mr Webster of Counsel for the plaintiffs in Error moved the Court to set a day certain for the argument of this cause so that the same should not be called before the first day of February next

Tuesday January 13 1835 Continued

to which motion Mr Jones of counsel for the defendants in Error appeared. Whereupon this Court not being now here sufficiently advised doth order that the consideration of said motion be and the same is hereby postponed for the present.

Elijah Brown. Appellt
vs
William F Lawrence admr &c

32.

Mr E. J. Lee of counsel for the appellees moved the Court to dismiss this cause because the appeal appears to have been granted before there was a final decree rendered in the Court below which was opposed by Mr Jones of counsel for the appellant. Whereupon it is ordered by the Court that said motion be and the same is hereby set down for argument on next Saturday —

Antoine Foulard's heirs. Appellts
vs
The United States.

1.

The cause having been called up by the Court Mr Attorney General in behalf of the United States moved the Court to postpone the same for the present which opposed by Mr White of counsel for the appellants. Whereupon this Court not being now here sufficiently advised doth order that the consideration of said motion be and the same is hereby postponed to Saturday next.

Tuesday January 13. 1835 Continued

John Smith & appt 3. vs The United States	This cause having been called up by the court, Mr Attorney General in behalf of the United States moved the court to postpone the same for the present which was opposed by Mr White of counsel for the Claimant Whereupon this court not being now here sufficiently advised doth order that the consideration of said motion be and the same is hereby postponed to Saturday next.
The United States pltff 57. vs John Bailey —	On motion of Mr Attorney General of counsel for the plaintiff, it is ordered by the court that this cause be set down for argument tomorrow. —
The United States pltff 58. vs John Bailey —	On motion of Mr Attorney General of counsel for the plaintiff, it is ordered by the court that this cause be set down for argument tomorrow. —
Amos Binney & Chas. Apellts 4. vs Chas & this Land Company	On motion of Mr Webster of counsel for the appellants and by consent of Mr Jones of counsel for the appellees. It is ordered by the court that this cause be and the same is hereby postponed for the present. —

Tuesday January 13 1835. Continued.

2.	Wm McKenney use Jefferson vs John Carroll	On motion of Mr Jones of Counsel for the plaintiff in error, it is ordered by the Court that this cause be and the same is hereby put to the foot of the docket. —
5.	Thomas Hammond's Admr Appellee vs Geo Washington's Exrs	On motion of Mr Jones of Counsel for the appellees and by consent of Mr Swann of Counsel for the appellants. It is ordered by the Court that this cause be and the same is hereby postponed for the present.
13.	William King. Appellee vs James White —	On motion of Mr Jones of Counsel for the appellee. It is ordered by the Court that this cause be and the same is hereby postponed for a remandment. —

Proclamation being made the Court is adjourned till tomorrow morning at eleven o'clock. —

Wednesday January 11th 1833.

Pursuant to adjournment the Court met this morning at the Capitol

Present

The Honorable	John Marshall	Chief Justice.
	Joseph Story	
The Hon'ble	Gabriel Thompson	Associate Justices
	John McLean	
	Henry Baldwin	

Alexander Hunter Esquire Marshal
William Thomas Carroll Clerk

Proclamation being made the Court is opened

On motion first made to the Court in this behalf by Mr Dunlop It is ordered that Timothy Paige Esquire of the State of Louisiana be admitted to practice as an attorney and Counsellor of this Court and he was sworn accordingly. —

On motion first made to the Court in this behalf by Mr Sergeant It is ordered that James F Smith Esquire of the State of Pennsylvania be admitted to practice as an Attorney and Counsellor of this Court and he was sworn accordingly. —

Wednesday January 14 1835. Continued

1.	Antoine Soulard's heirs Appt vs The United States	On consideration of the motion made in this cause yesterday by Mr Attorney General of counsel for the Appellee, it is ordered by the Court that said motion lay over to Saturday next

3.	John Smith's heirs Appt vs The United States.	On consideration of the motion made in this Court yesterday by Mr Attorney General of Counsel for the Appellee it is ordered by the Court that said motion lay over to Saturday next

7.	Charles Lecompte Appt vs The United States	On consideration of the motion made in this Court yesterday by Mr Attorney General of Counsel for the Appellee it is ordered by the Court that said motion be over to Saturday next

8.	Auguste Chouteau's heirs vs The United States	On consideration of the motion made in this cause yesterday by Mr Attorney General of Counsel for the Appellee to postpone this cause for the present, it is ordered by the Court that said motion lay over to Saturday next.

Wednesday January 14 1835 Continued

Augusta Chouteau's heirs	On consideration of the motion
9 vs Appls	made in this cause yesterday
The United States	by Mr Attorney General of

Counsel for the appellee to postpone this cause for the present. It is ordered by the Court that said motion lay over to Saturday next.

James Mackay's heirs	On consideration of the motion
10 vs Appls	made in this cause yesterday
The United States	by Mr Attorney General of

Counsel for the appellee to postpone this cause for the present. It is ordered by the Court that said motion lay over to Saturday next.

Mackay Whenay's heirs	On consideration of the motion
11 vs Appls	made in this cause yesterday
The United States	by Mr Attorney General of

Counsel for the appellee to postpone this cause for the present. It is ordered by the Court that said motion lay over to Saturday next.

Elijah Brown Appl	On appeal from the Circuit
32 vs	Court of the United States for
Francis Swann admr of	the District of Columbia
William F. Swann dec'd &	holden in and for the County
Richard B Alexander	of Alexandria.

On consideration of the motion made in this cause yesterday by Mr Edmund J Lee of Counsel for the appellees to dismiss this cause, because

Wednesday January 14 1835 Continued

the appeal was granted before there was a final decree rendered in the court below, and of the arguments of counsel thereupon had as well for the appellant as for the appellees. It is now here ordered adjudged and decreed by this court that this appeal be and the same is hereby dismissed with costs. — J. M. Ch. Mr. Marshall

Eliza Brown. Appt
vs
32. Frances Swann admx Appt

Mr. Jones of counsel for the appellant in this cause moved the court that the Clerk might have leave to loan the record filed in this cause to the parties so that they might prepare a new appeal. Whereupon it is ordered by the court that the Clerk have leave to loan the record as requested.

The United States Plff
vs
37. John Bailey

The argument of this cause was commenced by Mr. Loughborough for the Plaintiff and concluded by Mr. Attorney General on the same side. —

The United States Plff
vs
38. John Bailey —

The argument of this cause was commenced by Mr. Loughborough for the plaintiff and concluded by Mr. Attorney General on the same side

Wednesday January 14 1835 Continued -

The Honorable James M. Wayne, produced Letters patent from the President of the United States dated the ninth day of January in the year of our Lord one thousand eight hundred and thirty five, appointing him an Associate Justice of the Supreme Court of the United States in the following words, viz[t] -

"Andrew Jackson President of the United States of America. - To all who shall see these presents - Greeting:- Know ye that reposing special trust and confidence in the wisdom uprightness and learning of James M. Wayne of Georgia, I have nominated, and by and with the advice and consent of the Senate, do appoint him one of the Associate Justices of the Supreme Court of the United States, and do authorize and empower him to execute and fulfil the duties of that office according to the Constitution and laws of the United States and to have and to hold the said office with all the powers privileges and emoluments to the same of right appertaining unto him the said James M. Wayne during his good behaviour.

In Testimony Whereof I have caused these Letters to be made patent and the Seal of the United States to be hereunto affixed. - Given under my hand at the City of Washington the ninth day of January in the year of our Lord eight hundred and thirty five, and of the Independence of the

Wednesday January 14 1835. Continued

United States of America the fifty ninth.
Andrew Jackson
By the President:
John Forsyth, Secretary of State."

which were read in open court, and having taken the following oath in open court, viz:—

"I, James M. Wayne, do solemnly swear that I will administer justice without respect to persons, and do equal right to the poor and to the rich, and that I will faithfully and impartially discharge and perform all the duties incumbent on me as an Associate Justice of the Supreme Court of the United States according to the best of my abilities and understanding agreeably to the constitution and laws of the United States.— So help me God."

took his seat on the bench

Proclamation being made the Court was adjourned till tomorrow morning at eleven o'clock —

Thursday January 15 1835.

Pursuant to adjournment the Court met this morning at the Capitol.

Present

The Honorable John Marshall Chief Justice
Joseph Story
The Honble Gabriel Thompson } Associate Justices
John McLean
Henry Baldwin

Alexander Hunter Esquire Marshal
William Thomas Carroll Clerk

Proclamation being made the Court is opened.

Ejn of Samuel Smith vs Plff in Er. Robert Fulton's Heirs	This cause was submitted to the consideration of the Court on the transcript of the record and printed arguments by Mr Allan on behalf of the Plaintiff in Error.
John Coulson Appellt vs James Mallon & al	This cause was argued by Mr Key on the part of the Appellees
The Mayor &c of New Orleans vs The United States	This cause having been called and Counsel not being prepared It is thereupon ordered by the Court that it be and the same is hereby put to the foot of the docket.

Thursday January 15. 1835. Continued

17.	Charlotte L. Owings &c. pltffs in Error vs James F. Mullikin &c.	This cause having been called and counsel not being prepared it is thereupon ordered by the court that it be and the same is hereby put to the foot of the docket.

19.	Alexander McCall &c. pltffs in Error vs John McIver's heirs	This cause having been called and counsel not being prepared. It is thereupon ordered by the court that it be and the same is hereby put to the foot of the docket.

16.	The Bank of Alexandria pltffs in Error vs Thomas Swann	Mr Semmes of counsel for the defendant in Error moved the Court to dismiss this writ of Error it not appearing from the record that an appeal bond was taken which was opposed by Mr Jones of counsel for the plaintiff in Error. Whereupon the Court not being now sufficiently advised of and concerning what judgment to render in the premises. It is ordered that the consideration of said motion be and the same is hereby postponed for the present.

Thursday January 15 1835 Continued

Enoch Vanleer &c
vs
John Clark &c

Appeal

Mr Key of counsel for the appellee in this cause moved the court for leave to file the record and docket the cause under the 30th Rule of this court which was opposed by Mr Lea of counsel for the appellants whereupon it is ordered by the court that said motion be and the same is hereby overruled the appellants having the right to file and docket the case at any time within the first five days of the term under the 30th Rule of this court. –

Proclamation being made the court is adjourned till tomorrow morning at eleven oclock. –

Friday January 16 1835.

Pursuant to adjournment the Court met this morning at the Capitol

Present

The Honorable John Marshall Chief Justice
Joseph Story
The Hon. Gabriel Duvall
John McLean & Associate Justices
Henry Baldwin

Alexander Hunter Esquire Marshal
William Thomas Carroll Clerk

Proclamation being made the Court is opened

On motion first made to the Court in this behalf by Mr Peters - It is ordered that William C. Preston Esquire of the State of South Carolina and Joseph Anthony Esquire of the State of Pennsylvania be admitted to practice as attorneys & counsellors of this Court and they were severally sworn accordingly.

On motion first made to the Court in this behalf by Mr Bell - It is ordered that Balie Peyton Esquire of the State of Tennessee be admitted to practice as an attorney and Counsellor of this Court and he was sworn accordingly.

Friday January 16. 1833. Continued.

John Coulson Appll
18 vs
James Wallace & al

On motion of Mr Bell. it is ordered by the court that leave be and the same is hereby granted him to submit this cause in behalf of the appellant on a printed argument. —

William Caldwell & al
21 vs Appts
Paul Carrington & al

This cause was argued by Messrs Bibb. Harding and Loughborough for the appellants and by Mr Jones for the appellees.

Proclamation being made the court is adjourned until tomorrow morning at eleven O'clock. —

Saturday January 17 1835.

Pursuant to adjournment the Court met this morning at the Capitol

Present

The Honorable John Marshall Chief Justice
The Hon'ble Joseph Story
Gabriel Duvall
Smith Thompson
John McLean
Henry Baldwin
} Associate Justices

Alexander Hunter Esquire Marshal
William Thomas Carroll Clerk

Proclamation being made the Court is opened

On motion of Mr. Attorney General first made to the Court in this behalf It is ordered that George Goldthwaite Esquire of the State of Alabama be admitted to practice as an Attorney and Counsellor of this Court and he was sworn accordingly.

Colin Mitchell Jun. Appl
vs
The United States. Rules.

On consideration of the motion made by the Attorney General in this cause and of the arguments of Counsel thereupon had as well for the appellants as for the appellees It is now here considered and ordered by the Court that the Court will not hear a motion to postpone this cause before the first day of February next.

Saturday January 17 1835 Continued

Charles W. Wilkins Appellt vs The United States	On consideration of the motion made in this cause on a prior day of the present term of this Court & not reaching the 14th inst. one of the argument of Counsel thereupon had as well for the appellants as for the appellees. It is now here considered and ordered by the Court that this cause shall not be called for argument before Monday the 26th instant.

Augusta Chouteau's heirs Appellts vs The United States	On consideration of the motion made in this cause on a prior day of the present term of this Court, & not reaching the 14th inst. one of the arguments of Counsel thereupon had as well for the appellants as for the appellees. It is now here considered and ordered by the Court that this cause shall not be called for argument before Monday the 26th instant.

Augusta Chouteau's heirs Appellts vs The United States	On consideration of the motion made in this cause on a prior day of the present term of the Court, & not reaching the 14th inst. one of the arguments of Counsel thereupon had as well for the appellants as for the appellees. It is now here considered and ordered by the Court that this cause shall not be called for argument before Monday the 26th instant.

Saturday January 17 1835. Continued

10	Mackay's heirs vs The United States	On consideration of the motion made in this cause on a prior day of the present term of this court & it appearing to the court that the writ of error in this cause was issued on the 4th instant & that the argument of counsel thereupon had as well for the appellants as for the appellee. It is now here considered and ordered by the court that this cause shall not be called for argument before monday the 26th instant.
11	Macky Wherry's heirs vs The United States	On consideration of the motion made in this cause on a prior day of the present term of this court, & it appearing to the court that the writ of error in this cause was issued on the 4th instant & that the argument of counsel thereupon had as well for the appellants as for the appellee. It is now here considered and ordered by the court that this cause shall not be called for argument before Monday the 26th instant.
12	The Bank of Alexandria vs Thomas Swann	A Copy of the appeal bond approved by the Judge allowing the writ of error in this cause at the time of the signing of the same not having been filed. It is now here considered and ordered by the court that the motion made in this cause on a prior day of the present term of this court

Saturday January 17 1835. Continued.

Court Thursday the 15th inst. by Mr Swann in behalf of the defendant in Error, be and the same is hereby cancelled. –

Alexander McCall. Appellt
vs
Dan. McLean's heirs

Mr Swann of counsel for the appellees in this cause having suggested the death of Alexander McCall the appellant It is considered and ordered by the Court that this cause lie to the end of the term with leave to the representatives to appear and prosecute this appeal.

The Bank of Alexandria
vs
Jeffries &c.
Swann

15.

The argument of this cause was commenced by Mr Jones for the plaintiff in Error continued by Messrs Key and Swann for the defendant in Error and concluded by Mr Jones for the plaintiff in Error.

Proclamation being made the Court is adjourned until Monday morning at eleven oclock. –

Monday January 19. 1835.

Pursuant to adjournment the Court met this morning at the Capitol.

Present

The Honorable	The Honorable Chief Justice	
	Joseph Story	
	Smith Thompson	Associate
The Honorable	John McLean	Justices
	Henry Baldwin	
	James M. Wayne	

Alexander Hunter Esquire Marshal
William Thomas Carroll Clerk.

Proclamation being made the Court is opened

On motion ordered by the Court that the Writ of Error in the cause of Samuel Smith plaintiff in Error vs James Trabue, Robert Trabue, Samuel Trabue, Edward Trabue, Sylvanus Trabue, William Trabue, Thomas Trabue, and Charles Trabue infants of Robert Trabue by their next friend James Trabue.

In Error to the Circuit Court of the United States for the District of Kentucky.

Monday January 19 1833. Continued.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of Kentucky and was argued by counsel. On consideration whereof it is the opinion of this court that this is not a final judgment in a civil action, nor a decree in a court of equity, but no more than the action of a court on its own process which is submitted to its own discretion, and that the court cannot take jurisdiction in such case it not being given by the judicial act and that the writ of error must be quashed and the suit dismissed the court having no jurisdiction. Whereupon it is considered, ordered and adjudged by this court that this writ of error be and the same is hereby dismissed for the want of jurisdiction. —Pr. Mr. Ch. Jus. Marshall

Lessee of John Walker Val
vs Pltff
William Lemon Val

On motion of Mr Key of counsel for the plaintiff in this cause, it is ordered by the court that this cause be and the same is hereby postponed to the foot of the docket.

The Bank of Georgia
vs Pltff
W. S. Pillell's admr. Val

The argument of this cause was commenced by Mr. Key for the appellant, continued by Mr. Preston for the appellee and concluded by Mr. Key for the appellant.

Tuesday January 20 1835.

25 Alphonso Wilmarth — vs — The United States — On motion of Mr. [illegible] counsel for the plaintiff in error it is ordered by the court that this cause be and the same is hereby postponed to the foot of the docket.

26. Domingo Arletiqui — vs — John N. D'Arcy Val. — This cause having been called and counsel not being prepared, it is ordered by the court that this cause be and the same is hereby postponed to the foot of the docket

Proclamation being made the court is adjourned until tomorrow morning at eleven o'clock

3/38.

Tuesday January 20 1833.

Pursuant to adjournment the Court met this morning at the Capitol.

Present

The Honorable	John Marshall	Chief Justice
	Gabl Duvall	
	Joseph Thompson	Associate
The Honble	John McLean	Justices.
	Henry Baldwin &	
	James M. Wayne	
	Roger B. Taney	Attorney
	William Thomas Carroll	Clerk

Proclamation being made the Court is opened.

The President Directors and Company of the Bank of Alexandria - Plffs in Error

vs

Thomas Peyton ---

In Error to the Circuit Court of the United States for the District of Columbia holden in and for the County of Alexandria. -

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of Columbia holden in and for the County of Alexandria and was argued by Counsel. On consideration whereof it is ordered and adjudged by this Court that the judgment of the said Circuit Court in this cause be and the same is hereby reversed and that this cause be and the same is hereby sent back to the said Circuit Court with

Tuesday January 20. 1835 Continued

directions to that court to enter judgment for the plaintiffs upon the special verdict found by the jury. — "Jr. McKee Thompson"

The United States plff
vs
Thos Bailey — deft

On a certificate of division in opinion between the Judges of the Circuit Court of the United States for the District of Kentucky. — This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of Kentucky upon the point on which the Judges of the said Circuit Court were opposed in opinion and which was certified to this court for its decision agreeably to the act of Congress in such case made and provided, and was argued by counsel, on consideration whereof, it is ordered and adjudged by this court that it be certified to the said Circuit Court as the opinion of this court that the said Isaiah Rose named in the certificate of division being a justice of the peace of the Commonwealth of Kentucky authorized by the laws of that State to administer oaths, had authority and jurisdiction to administer the oath and take the affidavit in the said certificate of division mentioned, and that if the facts stated therein were falsely sworn to, the case is within the act of Congress of the first day of March 1823 referred to in the same certificate. — "Jr. McKee Jos. Story"
"Wm. McLean dissenting."

3:40

Tuesday January 20 1835 Continued

The State of Maryland Complt vs The Commonwealth of Virginia	Bill in Equity

Mr Bayly Attorney General of the State of Maryland & counsel for the Complainant moved the Court to issue a Subpoena or such other process against the Commonwealth of Virginia to answer the said Bill according to the manner and form required by the rules of this Court. On Consideration whereof, this Court not being now here sufficiently advised of and concerning what order to render in the premises, took time to consider. —

Henry Beard &al Plffs in Er vs John Norman &c	The argument of this cause was commenced by Mr Peter for the plaintiffs in Error, continued by Messrs Hoxton and Sergeant for the defendant in Error and concluded by Mr Peter for the plaintiffs in Error.

Bank United States vs Herbert G Waggoner &al	This cause was submitted to the consideration of the Court on the record by Mr Sergeant of Counsel for the plaintiff in Error.

Tuesday January 20. 1835. Continued

The United States Appt vs The Brig Bunsell.	On motion of Mr Key Ordered that the appeal of the appellant be dismissed by the Court that this cause be and the same is hereby postponed at the prayer of the counsel

Proclamation being made the Court adjourned
until tomorrow morning at eleven O'Clock

Wednesday January 21 1835.

Pursuant to adjournment the court met this morning at the Capitol.

Present

The Honorable	John Marshall	Chief Justice.
	Joseph Story	
	Smith Thompson	Associate
The Honble	John McLean	Justices
	Henry Baldwin &	
	James M. Wayne	
	Alexander Hunter Esquire	Marshal
	William Thomas Carroll	Clerk

Proclamation being made the Court is opened.

On motion first made to the court in this behalf by Mr Sergeant. It is ordered that John L. Newhall Esquire of the State of Pennsylvania be admitted to practice as an Attorney and Counsellor of this Court and he was sworn accordingly.

Samuel B. Hoyt & al Claimants of the Brig Hope & Cargo Appellants

30. &c

Jesse Wilson & al

On motion of Mr Ogden of Counsel for the appellants It is ordered by the Court that the cause be and the same is hereby postponed for the present.

Wednesday January 21 1835. Continued

31.	William Gause pltff in Er vs Arthur D. Davis —	W. L. Jones of Counsel for the defendant in Error moved the Court to dismiss this cause from the Docket stating that the matters in Controversy had been settled between the parties in the cause, which was opposed by McKay of Counsel for the plaintiff in Error who prayed leave to argue the cause — Whereupon this Court not being sufficiently advised of the premises until next term of the Court it is ordered that the same be held under advisement —
18.	John Coulson Sur. &c vs James Walton &c	This cause coming on to be heard on the motion of the Court in behalf of the defendant by W. L. Jones — & pleadings argued
21.	The United States pltff in Er vs William L. Robeson —	This cause having been set for argument & Counsel not being present it is Ordered by the Court that this cause be and the same is hereby passed to the foot of the docket — by the 30th rule of this Court —

Wednesday January 21 1833. Continued

Jemperance Buchanan Adl 34 v Jeffries Lessee of M. Palmer Adl	On motion of Mr Sergeant of Counsel for the defendant and by consent of Mr Webster of Counsel for the plaintiff in Error. It is ordered by the Court that this cause be and the same is hereby continued to the next term
James Greenleaf Jeffries 35 v James Barth	This cause having been set for argument and counsel not being prepared. It is thereupon ordered by the court that this cause be and the same is hereby postponed to the foot of the docket under the 30th rule of this court.
Lessee of M. Palmer Adl 43 v Jeffries William Poteet	On motion of Mr Sergeant of Counsel for the plaintiff in Error and by consent of Mr Webster of Counsel for the defendant in Error It is ordered by the Court that this cause be and the same is hereby continued to the next term.
Robert Pratt Appellant 35 v Charles Walker Adl	On motion of Mr Bibb of Counsel for the appellant and by consent of Mr Sergeant of Counsel for the appellees. It is ordered by the court that this cause lie over till monday next.

Wednesday January 21 1835. Continued.

36.	George Harrison & al. appts vs Matthias Hopkins & Exors resp	On motion of Mr Wheeler of counsel for the appellants It is ordered by the Court that this cause be set down for argument tomorrow
35.	Elisha Winn & al. Plffs in Er vs William Pattersons Defts	The argument of this cause was commenced by Mr Jones for the Plaintiffs in Error

Proclamation being made the Court is adjourned until tomorrow morning at eleven o'clock. -

Thursday January 22 1835

Pursuant to adjournment the Court met this morning at the Capitol

Present

The Honble John Marshall Chief Justice
Joseph Story
Smith Thompson
The McLean
Henry Baldwin
James M Wayne
The Honble Roger B Taney Chief Justice
Peter V Daniel
William Thomas Carroll Clerk

Proclamation being made the Court is opened

On motion first made to the Court in this behalf by Mr Bell It is ordered that Edwin B Forrest Esquire of the State of Tennessee be admitted to practice as an attorney and Counsellor of this Court and he was sworn accordingly

On motion first made to the Court in this behalf by Mr Crapo It is ordered that A. W. Dubuzan Esquire of the State of Mississippi be admitted to practice as an attorney and Counsellor of this Court and he was sworn accordingly

Thursday January 22 1835. Continued

	Elisha Ufford Plff in Er	The argument of this cause
38.	vs	was continued by the
	Heirs of Wm Pollerson	Court for the plaintiff in error
	Bank U. States Plff in Er	On consideration it is
28.	vs	ordered by the court that
	Herbert & Waggoner Def	this cause be set down
		for argument
	George Harrison Def - Appt	
35.	vs	The argument of this
	Matthias Ogden's Exrs	cause was commenced
	and	by Mr Stanbery for the
	Chas & Isaac Dana - Appts	Appellants.
71.	vs	
	Wm Leigh & Chas Ogden	

On motion being made the Court is adjourned until tomorrow morning at eleven o'clock

Friday January 23 1835.

Pursuant to adjournment the Court met this morning at the Capitol

Present

The Honorable John Marshall Chief Justice
Joseph Story
Gabriel Duvall
The Hon'ble John McLean Associate Justices
Henry Baldwin
Peter V. Daniel

Motions being made the Court is opened

On motion first made to the Court in this behalf by Mr Ward It is ordered by the Court that John W. Wardman Esquire of the State of New York be admitted an Attorney and Counsellor of this Court and he was sworn accordingly

On motion first made to the Court in this behalf by Mr Peters. It is ordered that Jacob Brown Esquire of the State of Pennsylvania be admitted to practice as an Attorney and Counsellor of this Court and he was sworn accordingly

Friday January 13 1833. Continued

The United States vs John Bailey	On a certificate of division in opinion between the Judges of the Circuit Court of the United States for the District of Kentucky.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of Kentucky and was argued by Counsel on consideration whereof, it is the opinion of this Court that the whole case has been certified to this Court and as it has been repeatedly decided by this Court that the whole case cannot be sent on a division of the Judges the Court cannot decide this case in its present form. Whereupon it is ordered and adjudged by this Court that this cause be and the same is hereby remanded to the said Circuit Court for further proceedings to be had therein according to law and justice this Court not having jurisdiction over the question — Viz —

Pr. M. Ch. Jus. Marshall

George Harrison Appellant vs Matthias Ashmun Exr and Eliz Ann Jones Appellee	It is ordered by the Court that this cause be dismissed with money next for argument on the motion of the counsel of the Appellee dismissed.

Henry Stanbery & Ch. Ashmun

Friday January 23 1835 Continued.

[illegible] Argument of the cause was commenced by Mr Attorney General for the plaintiff in Error and was continued by Mr Crepo for the defendant in Error and concluded by Mr Attorney General for the plaintiff in Error

Bank United States Plaffs in Er.
vs
Robert J Haggerty Defr

This cause was argued by Mr Sergeant for the plaintiff in Error and submitted on printed argument on behalf of defendants in Error

Proclamation being made the Court is adjourned until tomorrow morning at eleven o'clock

Saturday January 24 1835.

Pursuant to adjournment the court met this morning at the Capitol -

Present

The Honorable John Marshall Chief Justice
Joseph Story
The Honble John McLean
Henry Baldwin
James M. Wayne
Alexander Hamilton Thomas Marshall
William Thomas Carroll Clerk

Proclamation being made the court is open -

The Mayor &c of New Orleans
vs
C. S. De Armas et al

Mr Riley of counsel for the defendants in error moved the court to dismiss the cause for the want of jurisdiction which was opposed by Mr Webster behalf of the plaintiffs in error and supported by Mr Porter for the defendants in Error

Whereupon this court not being sufficiently advised of and concerning what order to make in the premises took time to consider.

Saturday January 24 1835 Continued

The Same Same } In Chancery } The Defendants moved the
vs } Court to strike this cause from
The Same Same } the docket. Whereupon it is
ordered by the Court that the
consideration of this motion be and the same is hereby
postponed for the present

Off Same to

The State Fire Insurance } The argument of this cause
Comp'y of New York } was commenced by Mr Porter
48 " " } in opposition to the motion
Chas Oakley } for a Mandamus

Proclamation being made the Court is adjourned until
Monday morning at eleven o'clock A.

Monday January 26 1835.

Pursuant to adjournment the Court met this morning at the Capitol -

Present

The Honorable John Marshall Chief Justice
Gabl Duval
Joseph Thompson
The Hon[ble] John McLean } Assoc[te] Justices
Henry Baldwin
James M. Wayne

Alexander Hunter Esquire Marshal
William Thomas Carroll Clerk

Proclamation being made the Court is opened

George Harrison Esq[r] Appl[t]
vs
Matthias Aspden Esq[r] } 30.

John L. Jane Jane - Appl[t]
vs
Henry Nixon & John Aspden } 71.

The question of the admission of an instrument of writing to record was argued by Mr Taylor for the Appellants and by Messrs Hunter & Sergeant for the negative of the proposition.

Proclamation being made the Court is adjourned until tomorrow morning at eleven o'clock

Tuesday January 27 1835.

Pursuant to adjournment the Court met this morning at the Capitol

Present

The Honorable John Marshall Chief Justice
Joseph Story
Smith Thompson
The Hon'ble John McLean Associate Justices
Henry Baldwin
James M. Wayne

Alexander Hunter Esquire Marshal
William Thomas Carroll Clerk

Proclamation being made the Court is opened

James Prentiss Griffin &
James Dick

The argument of this cause was commenced by Mr Jones for the plaintiff in Error and continued by Mr Dunn and Key for the defendant in Error.

Proclamation being made the Court is adjourned until tomorrow morning at eleven o'clock.

Wednesday January 28 1835

Present at adjournment the Court and the Marshal at the Capitol

Present

The Honorable John Marshall Chief Justice
Joseph Story
[illegible]
The Hon'ble John McLean
[illegible]
[illegible]

Alexander Hunter Esqr. Marshal
William Thomas Carroll Clerk

Proclamation being made the Court is adjourned

The Bank of Georgia Appellant
vs.
James Higgin bottom & Wife & William P. Gillett & al Appellees

On appeal from the Circuit Court of the United States for the District of South Carolina.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of South Carolina and was argued by Counsel on consideration whereof, it is ordered, adjudged and decreed by this Court that the decree of the said Circuit Court in this cause be and the same is hereby affirmed with costs.

"P. V. Mr. Jus. McLean."

Wednesday January 28th 1835.

James Brunk's Exrs &c
vs
[illegible]

The argument of this cause was continued by Mr Lowe for the plaintiff in Error

William H. Bradley &c
vs
The Washington Georgetown & Alexandria Steam Packet Company

The argument of this cause was commenced by Mr Jones for the plaintiff in Error, continued by Mr Coxe for the Defendant in Error and concluded by Mr Jones for the plaintiff in Error.

Proclamation being made the Court is adjourned until tomorrow morning at eleven Oclock

Thursday January 29th 1835

pursuant to adjournment the Court met this morning at the Capitol.

Present

The Honorable John Marshall Chief Justice
Joseph Story
Smith Thompson
The Hon'ble John McLean } Associate Justices
Henry Baldwin
James M. Wayne

Alexander Hunter Esqr. Marshal
William Thomas Carroll Clerk

Proclamation being made the Court is opened

William Caldwell &al. Appts
21. vs
Paul Carrington &al

Mr Randolph of Counsel for the appellants in this cause having suggested the death of Samuel Brents one of the appellants in the cause and filed a copy of the will of said Samuel Brents moved the Court to strike out the appearance of Franklin Brents heir of Samuel Brents deceased" erroneously entered on the records of this Court as one of the appellants and for leave to the devisees and executors of said Samuel Brents deceased to appear and prosecute this appeal conjointly with the other appellants. On consideration whereof, it is now here ordered by the Court that the appearance of Franklin

Thursday January 29 1835 Continued

Brents heir of Samuel Brents deceased be and the same is hereby reversed and set aside and that the widow of and Thomas W. Lisle and John Vaughn Exrs of Samuel Brents deceased be and the same is hereby made co appellants and parties to this appeal with right to prosecute the same.

William Caldwell, Jane Caldwell &c.
widow of and Thomas W Lisle and John Vaughn Exrs of Samuel Brents, dec'd — Appellees

21. vs

Paul Carrington Jr, Geo. Carrington, Mary Carrington, John B Carrington, Tucker Carrington, Edward M. Carrington, Emily C Carrington, William W Carrington and Geo. C Scott & Mary A C Scott children of Mary C Scott formerly Mary C Carrington heirs & Representatives of Sarah and Geo. Carrington, deceased — —

On appeal from the Circuit Court of the United States for the District of Kentucky

This cause came on to be heard on the Transcript of the record from the Circuit Court of the United States for the District of Kentucky and was argued by Counsel, On consideration whereof It is ordered, adjudged and decreed by this Court that the decree of the said Circuit Court in this cause be and the same is hereby affirmed with costs.

"Jn. Mc. Clk the Marshall"

Thursday January 29 1835. Continued

George Harrison and Thomas H. White, Ann Emily Bronson, Elizabeth White Bronson, Hattie Amelia Bronson, and William White Bronson minors by their Guardian the said Thomas H. White, Mary Harrison, Esther McPherson and Elizabeth McPherson, Children of Elizabeth McPherson dec'd Appts

vs

Henry Meyer, Surviving Exor of Matthew McPherson, dec'd.

On appeal from the Circuit Court of the United States for the District of Pennsylvania

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of Pennsylvania and was argued by counsel. On Consideration Whereof It is ordered, adjudged and decreed that the decree of the said Circuit Court in the premises be and hereby is reversed and annulled, and that the cause be remanded to the said Circuit Court for further proceedings with directions to the said Court to allow the Bill and the petitions of the Claimants to be amended as the solicitors may desire also to be amended & conform thereto, and proofs to the same matter also to be taken. And with further directions to allow any other person or persons not now parties to the proceedings who shall claim title to the funds in controversy as heir or heirs at law or representatives of the Testator to present their claims

Thursday January 29 1835 Continued

respectively before the said Court, and to make due proof thereof, and to become parties to the proceedings for the due establishment and adjudication thereof. But the proofs already taken in the cause are to be deemed admissible evidence in regard to all such persons, not now parties who shall claim title as aforesaid and become parties in the cause under this order. And such other proceedings are to be had in the said cause by the said Court as to law, equity and justice shall appertain. — "P. M. Chief Justice Story"

"M. Justice Baldwin dissenting"

71

John Jane & Isaac Jane v. Appts	On appeal from the Circuit Court of the United States for the District of Pennsylvania
Benj. Nicholson & Wm. Aikman	

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of Pennsylvania and was argued by Counsel; On Consideration Whereof, It is ordered, adjudged and decreed that the decree of the said Circuit Court in the premises be and the same is hereby reversed and annulled, and that the cause be remanded to the said Circuit Court for further proceedings, with directions to the said Court to allow the Bill and the pleadings of the claimants to be amended, and the answers and pleadings also to be amended & conform thereto, and proofs & new matter also to be taken — and with further directions to allow any other person or persons not now parties

Thursday January 29 1835 Continued

to the proceedings who shall claim title to the funds in controversy as heir at law or representatives of the Testator to present their claims respectively before the said court and to make due proof thereof and to become parties to the proceedings for the same and to be heard and adjudicated thereof But the proof already taken in the cause are to be deemed admissible evidence in regard to all such persons not now parties who shall claim title as aforesaid and become parties in the cause under this order - And such other proceedings are to be had in the said cause by the said Court as to law equity and justice shall appertain. "Jos. McLean Story"

"Wm. Wm. Baldwin Assenting"

Robert Platt Appellant	The argument of this
33. vs	cause was commenced
Charles Walter Wall	by Mr Bibb for the
	Appellant.

Proclamation being made the Court is adjourned until tomorrow morning at eleven o'clock.

Friday January 31st 1835.

Pursuant to adjournment the Court met this morning at the Capitol -

Present

The Honorable John Marshall Chief Justice.

The Hon'ble Joseph Story, Smith Thompson, John McLean, Henry Baldwin & James M. Wayne — Associate Justices.

Alexander Hunter Esquire Marshal
William Thomas Carroll Clerk

Proclamation being made the Court is opened.

Robert Pindall - Appellant
vs
Charles Vallette Exr & Bank U. States

The argument of this cause was commenced by Mr. Sergeant for the appellant

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Proclamation being made the Court is adjourned until tomorrow morning at eleven o'clock. —

Saturday January 31 1835.

Pursuant to adjournment the Court met this morning at the Capitol

Present

The Honorable	John Marshall	Chief Justice
The Honble	Joseph Story Smith Thompson John McLean Henry Baldwin James M. Wayne	Associate Justices

Alexander Hunter Esqure Marshal
William Thomas Carroll Clerk

Proclamation being made the Court is opened

On motion first made to the Court in this behalf by Mr White - It is ordered that Roger A. Gamble Esqure of the State of Georgia and James Graham Esqure of the State of North Carolina be admitted to practice as Attorneys and Counsellors of this Court and they were severally sworn accordingly. -

On motion first made to the Court in this behalf by Mr Ewing - It is ordered that Abner F. Ellis Esqure of the State of Louisiana be admitted to practice as an Attorney and Counsellor of this Court and he was sworn accordingly -

Saturday January 31 1835 Continued

Henry Beard, William A. Beard & Lewis Hawkins and Mary his wife - Plffs in Er. vs. John Rowan ...	In Error to the Circuit Court of the United States for the District of Kentucky.

This Cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of Kentucky and was argued by Counsel - On consideration whereof, It is adjudged and decreed that the judgment of the said Circuit Court in this cause be and the same is hereby affirmed with costs. -

"Js. Mc. Kn. Thompson"

The United States - Plffs in Er. vs. Joseph Nourse	In Error to the Circuit Court of the United States for the District of Columbia holden in and for the County of Washington.

This Cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of Columbia holden in and for the County of Washington and was argued by Counsel On consideration whereof It is adjudged and decreed that the judgment of the said Circuit Court in this cause be and the same is hereby affirmed. -

"Js. Mc. Kn. Marshall"

Saturday January 31 1835 Continued -

George H. Brisco &c.	Mr White of Counsel for the
20. vs Pltffs in Error	Plaintiffs in Error in the
The Bank Comth Kentucky.	cause moved the Court

to fix a day certain for the trial of this cause - Whereupon the Court not being now here sufficiently advised of and concerning what order to make in the premises doth time to consider. -

The United States Appellt	Mr Attorney General moved
29. vs	the Court to fix a day certain
The Brig Burdett	for the trial of this cause -

It is ordered by the Court that said motion be and the same is hereby overruled

Robert Pirtle Appellt	The argument of this cause
33. vs	was continued by Mr Sergeant
Charles Wallace &c	for the Appellees

Ex parte. The Life & Fire	The cause was fin this
Ins Comp of New York	argued by Mr Jones in
48. vs	Support of the motion for
Chas Ellis Admr	a mandamus

Proclamation being made the Court is adjourned until Monday morning at eleven Oclock

Monday February 2. 1835.

Pursuant to adjournment the Court met this morning at the Capitol.

Present

The Chief	Hon. Jabez Maclaine	Chief Justice
	Hon. Gabl. Duvall	
	Hon. Smith Thompson	Associate
	Hon. Wm. McLean	Justices
	Hon. Henry Baldwin	
	Hon. James M. Wayne	

Alexander Hunter Esquire Marshal
William Thos. Carroll Clerk

Proclamation being made the Court is opened.

Robt. Pratt Appellt		The argument of this cause was
35	v.	continued by Mr. Webster for
Charles Vallett et al		the appellee and by Mr. Ewing
		for the appellants.

Proclamation being made the Court is adjourned until to-morrow morning at eleven o'clock.

Tuesday February 3 1835.

Pursuant to adjournment the Court met this morning at the Capitol

Present

The Honorable	John Marshall	Chief Justice
The Hon'ble	Joseph Story Smith Thompson John McLean Henry Baldwin James M. Wayne	Associate Justices

Alexander Hunter Esquire Marshal
William Thomas Carroll Clerk

Proclamation being made the Court is opened

On motion first made to the Court in this behalf by Mr. Attorney General It is ordered that William H. Marriott Esquire of the State of Maryland be admitted to practice as an attorney and Counsellor of this Court and he was sworn accordingly

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The President Directors and Company of the Bank of the United States - Plaintiffs in Error

vs

Norbert G. Waggoner George Wagley & Alexander Miller

In Error to the Circuit Court of the United States for the District of Kentucky.

This cause came on to be heard on the Transcript of the record from the Circuit Court of the United States for the District of Kentucky and was argued by Counsel.

Tuesday February 3 1835 Continued

On consideration whereof, it is the opinion of this Court that there is error in the opinion of the Circuit Court of the District of Kentucky in refusing to give the instructions prayed for by the plaintiffs in their first second third fourth fifth sixth and seventh instructions prayed for in the Bill of Exceptions stated, and there is also error in the opinion of the Court in giving the instruction prayed for by the defendants in the same Bill of Exceptions stated. It is therefore considered by the Court that for the errors aforesaid the judgment of the said Circuit Court be and the same is hereby reversed and annulled, and that the cause be remanded to the Circuit Court with direction to award a venire facias de novo

Pr. Mr. Rice Roy.

William A. Bradley Jeffries &c.

vs.

The Washington Alexandria and Georgetown Steam Packet Compy.

In Error to the Circuit Court of the United States for the District of Columbia holden in and for the County of Washington.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of Columbia holden in and for the county of Washington and was argued by counsel, on consideration whereof it is adjudged and ordered by this Court that the judgment of the said Circuit Court in this cause be and the same is hereby reversed and that this cause be and the same is hereby remanded to the said Circuit Court with directions to award a venire facias de novo.

Tuesday February 3 1835. Continued.

Joseph Lynch plff in Er 62 vs Ambrose H Carnage	Mr Sergeant of Counsel for the plaintiff in Error moved the Court to postpone a day certain for the argument of this cause - On consideration whereof It is ordered by the Court that the said motion be and the same is hereby overruled

Johnson Pipkin Indian 63 vs plff in Er The State of Georgia	Mr Sergeant of Counsel for the plaintiff in Error moved the Court to postpone a day certain for the argument of this cause - On consideration whereof It is ordered by the Court that the said motion be and the same is hereby overruled

Robert Neill - Appellt 35 vs Charles Wallis Exr	The argument of this cause was concluded by Mr Ewing for the Appellant.

Charles L Shapley Appellt 1 vs The United States	The argument of this cause was commenced by Mr White for the Appellant and concluded by Mr Attorney General for the Appellee

Proclamation being made the Court is adjourned until tomorrow morning at eleven oclock.

Wednesday February 4. 1835.

Pursuant to adjournment the Court met this morning at the Capitol.

Present

The Honorable	John Marshall	Chief Justice
	Joseph Story	
	Smith Thompson	
The Honble	John McLean	Associate Justices
	Henry Baldwin	
	James M Wayne	
	Alexander Hunter	Esquire Marshal
	William Thomas Carroll	Clerk

Proclamation being made the Court is opened.

Charles L. Lalaforce Appellt vs The United States	The argument of this cause was continued by Mr Attorney General for the Appellees and concluded by Mr White for the Appellant

Auguste Chouteau's heirs vs Appellt The United States	The argument of this cause was commenced by Mr White for the Appellants, continued by Mr Attorney [illegible] for the appellees and concluded by Mr White for the Appellants.

Wednesday February 4 1835 Continued

Auguste Chouteau's heirs-	The argument of this cause
9. vs Appl'ts	was commenced by Mr
The United States	White for the appellants

continued by Mr Attorney General for the appellees and continued by Mr White for the appellants -

James Mackay's heirs-	On motion of Mr White
10 vs. Appl'ts	of Counsel for the appellants
The United States-	and by consent of Mr Attorney

General in behalf of the Appellees - It is ordered by the Court that this cause be and the same is hereby continued to the next term of this Court. -

Macky Wherry's heirs-	On motion of Mr White
11. vs Appl'ts	of Counsel for the appellants
The United States-	and by consent of Mr Attorney

General in behalf of the Appellees It is ordered by the Court that this cause be and the same is hereby continued to the next term of this court. -

Colin Mitchel val. Appl'ts	Mr Attorney General in
12. vs	behalf of the appellees
The United States -	in this cause now here moved

the Court to postpone the argument of this cause to Wednesday the 25th inst. which was opposed by Mr White of counsel for the Appellants

Wednesday February 4 1833 Continued.

Allotment of Circuits.

There having been an appointment made of an Associate Justice of the Supreme Court during the present term. It is ordered by the Court that the following allotment be made of the Chief Justice and the Associate Justices of the Supreme Court among the Circuits agreeably to the act of Congress in such case made and provided and that such allotment be entered of record. Viz.

For the first Circuit The Honorable Joseph Story
For the Second Circuit The Honorable James Hopkinson
For the Third Circuit The Honorable Henry Baldwin
For the Fourth Circuit None then being a Vacancy
For the Fifth Circuit The Honble John Marshall. Chief Justice.
For the Sixth Circuit The Honorable James M. Wayne
For the Seventh Circuit The Honorable John McLean

Proclamation being made the Court is adjourned until to-morrow morning at eleven oclock.

Thursday February 5 1835.

pursuant to adjournment the Court met this morning at the Capitol

Present

The Honorable The Marshall Chief Justice
Joseph Story
Gabriel Duvall
The Honble John McLean Associate Justices
Henry Baldwin
Smith Thompson

Alexander Hunter Esquire Marshal
William Thomas Carroll Clerk

Proclamation being made the Court is opened

Colin Mitchel and al. Appellants
vs
The United States

On consideration of the motion made in this cause yesterday by Mr Attorney General and of the arguments of Counsel thereupon had as well for the appellants in support of the same as for the appellees in opposition to the same It is now here considered and ordered by the Court that said motion be and the same is hereby overruled and it is further ordered that this cause be set down for argument to-morrow

Thursday February 5 1835 Continued

William Gause, Jeffries 31 vs Arthur B. Davis —	On a writ of Error to the Circuit Court of the United States for the District of Alabama

On Consideration of the motion made in this cause by M. S. Jones of Counsel for the defendant in Error stating that the matters in controversy in this suit had been settled and agreed between the parties to which M. Key of Counsel for the plaintiff in Error assented. It is therefore ordered and adjudged by this Court that this writ of error to the Circuit Court of Alabama be and the same is hereby dismissed each party paying his own costs in this Court. —

"Jr. M. Ch. Jus. Marshall"

Charles Scott Dubuffet — 41. vs Jeffries John Lloyd —	The argument of this cause was commenced by Mr Cox for the plaintiff in Error and continued by Mr Swann for the defendant in Error —

Whereupon being made the Court is adjourned until tomorrow morning at eleven oclock. —

Friday February 6 1833.

Proclamation to open the Court at the hour of ten at the Capitol

Present

The Honorable John Marshall Chief Justice
Gabl Duvall
Smith Thompson
The Honble John McLean } Associate Justices
Henry Baldwin
James M. Wayne
Alexander Hamilton Esquire Marshal
William Thomas Carroll Clerk

Proclamation being made the Court is opened

On motion first made to the Court in this behalf by Mr Dyer. It is ordered that Charles J Ferris Esquire of the Bar of New York be admitted to practise as an attorney and counsellor of this Court and he was sworn accordingly.

Charles Hall Pattison
vs
The Lessee of Floyd

The argument of this cause was continued by Messrs Swann & Key for the defendant in Error and by Mr Ewing for the plaintiff in Error.

Proclamation being made the Court is adjourned until to morrow morning at eleven o'clock.

Saturday February 7. 1835.

Pursuant to adjournment the Court met this morning at the Capitol -

Present

The Honorable John Marshall Chief Justice
Gabl Duvall
Joseph Thompson
The Hon'ble John McLean Associate Justices
Henry Baldwin
James M. Wayne

Stephen Hunter Esqr Marshal
William Thos Carroll Clerk

Proclamation being made the Court is opened -

41. Charles Scott, Bailiffe &c. vs. Thos Pfiff & Wife & John Lloyd — The argument of this cause was commenced by Mr Jones for the plaintiffs in Error

48. Ex parte. The Life & Fire Ins. Co. Company of New York vs. Christopher Adams — This cause was further argued by Mr Butler in support of the motion.

Proclamation being made the Court is adjourned until Monday Morning at eleven Oclock. -

Monday February 9 1835.

Pursuant to adjournment the Court met this morning at the Capitol.

Present

The Honorable John Marshall Chief Justice
Joseph Story
Smith Thompson
The Hon'ble John McLean Associate Justices
Henry Baldwin &
James M. Wayne

Alexander Hunter Esquire Marshal
William Thomas Carroll Clerk

Proclamation being made the Court is opened.

Lessee of James Fromlaf- : In Error to the Circuit Court
vs. : of the United States for the
James Burch : District of Columbia holden
: in and for the County of Alexandria.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of Columbia holden in and for the County of Alexandria and was argued by Counsel. On consideration Whereof, It is adjudged and ordered by this Court that the judgment of the said Circuit Court in this cause be and the same is hereby reversed and that this cause be and the same is hereby remanded to the said Circuit Court with directions to award a venire facias de novo. — J. McLean

Monday February 9 1833 Continued

Robert Pratt Appellant. —

35 vs

Charles Wallcir, Benjamin H. Field, Philip Grandin & Hannah C. Grandin his wife, and the President, Directors and Company of the Bank of the United States.

On appeal from the Circuit Court of the United States for the District of Ohio. —

This cause on to be heard on the transcript of the record from the Circuit Court of the United States for the District of Ohio and was argued by Counsel, On consideration whereof it is ordered and adjudged by this Court that the decree of the said Circuit Court in this cause be and the same is hereby affirmed with costs. —

"Jos. M. Fra. Story"

The Mayor, Aldermen & Inhabitants of the City of New Orleans, Plff in Error

34 vs

Christopher P. Le Breton and Manuel Simon Cucullu. —

In Error to the Supreme Court of the State of Louisiana for the Eastern District.

On consideration of the motion made in this cause on a prior day of the present term of this Court, Viz. on Saturday the 26th of January last, and of the arguments of Counsel thereupon had, as well for the Plaintiffs as for the defendants in Error. — It is now here ordered and adjudged by this Court that the writ of error to the Supreme Court of the State of Louisiana for the Eastern District be and the same is hereby dismissed for the want of jurisdiction. —

"John Marshall"

Monday February 9 1835 Continued —

Ex parte: The Life and Fire Ins^ce Comp^y of New York.	The argument of the motion was continued by the Counsel in support of the same and by the Court in the same Case —
48 vs	
Christopher Adams.	

Proclamation being made the Court is adjourned until to-morrow morning —

Tuesday February 10 1835.

Pursuant to adjournment the Court met this morning at the Capitol

Present

The Honorable John Marshall Chief Justice
Gabl Duvall
Joseph Thompson Associate
The Honorable John McLean Justices
Henry Baldwin
James M. Wayne
Alexander Hunter Esquire Marshal
William Thomas Cranch Clerk

Proclamation being made the Court is opened. —

48. The Mayor Alderman & Citizens of the City of New York — vs — Christopher Adams —

The argument of this motion was commenced by Mr Clay in opposition thereto —

12. Colin M. Cathcart & Wife — vs — The United States —

The argument of this cause was commenced by Mr White for the appellant. —

Proclamation being made the Court is adjourned until to morrow morning at eleven o'clock. —

Wednesday February 11 1835

Present & adjourned the Court until Morning at the Capitol.

Present

The Chief Justice
Mr Justice Story
Mr Justice Thompson
Mr Justice M'Lean
Mr Justice Baldwin
Mr Justice Catron
Mr Justice M'Kinley
Mr Justice Wayne

Stephen Cowen Esqr Clerk
William Thos Carroll Esqr Deputy

Proclamation being made the Court is opened

Colin Mitchel et al Appellants
vs
The United States

The argument of the Cause was continued by Mr White for the Appellants

Proclamation being made the Court is adjourned until Tomorrow Morning at eleven o'clock

Thursday February 12 1835.

Pursuant to adjournment the Court met this morning at the Capitol

Present

The Honorable John Marshall Chief Justice
Joseph Story
Smith Thompson Associate
The Hon'ble John M'Lean Justices
Henry Baldwin &
James M. Wayne
Alexander Hunter Esqre Marshal
William Thomas Carroll Clerk

Proclamation being made the Court is opened.-

38. Elisha Winn vol. plff in Er. vs Lessee of William Patterson

Mr Jones of Counsel for the Plaintiff in Error moved the Court to postpone the argument of this cause for the present to which Mr Berrien of counsel for the defendant in Error objected - Whereupon it is ordered by the Court that the argument of this cause be and the same is hereby postponed till tomorrow.

Edward C Kirk vol. &c vs The Union Canal Co. &c

On motion of Mr Penny of Counsel for the Appellants and the consent of Mr Leigh for the appellee. It is ordered by the Court that this cause be and the same is hereby continued to the next term of this Court.

Thursday February 12 1835 Continued

Nicholas Wilsons Heirs Appellants
vs
The Life & Fire Ins Co of New York. —

On motion of Mr Prentiss of Counsel for the Appellants it is ordered by the court that this cause be and the same is hereby postponed to the foot of the docket

Sebastian Crowell Appellant
vs
Jean Jacques Dalton —

The cause was submitted to the consideration of the Court on the record and printed argument by Mr Peck of counsel for the Appellant

Edward Livingston Esqr
vs
Benjamin Shoy —

The argument of this cause was commenced by Mr Key for the Appellant & continued by Mr Porter & Clay for the Appellee and concluded by Mr White for the Appellant —

Proclamation being made the court is adjourned until tomorrow morning 11 oclock. —

Friday February 13 1835

Pursuant to adjournment the Court met this morning at the Capitol

Present

The Honorable	John Marshall	Chief Justice
	Joseph Story	
	Smith Thompson	Associate
The Honble	John McLean	Justices
	Henry Baldwin &	
	James M. Wayne	

Alexander Hunter Esquire Marshal
William Thomas Carroll Clerk —

Proclamation being made the Court is opened

Samuel B. Hobart, Val. Claimt	On motion of Mr Southard
of the Ship Hope & Cargo Appellt	of Counsel for the appellees
30. vs	and with the assent of
Amos Morgan et al	Mr Cyrus of Counsel for
	the appellants - It is ordered

by the Court that this cause be and the same is hereby continued to the next term of this Court. —

Elisha Winn Val Appellee.	The argument of this cause was
28 vs	continued by Messrs Berrien and
Ships of William Patterson —	Wallace for the appellant in error &
	concluded by Mr Jones for the Appellee in Error. —

Proclamation being made the Court is adjourned until Monday morning at eleven o'clock. —

Saturday February 14. 1835.

Pursuant to adjournment the Court met this morning at the Capitol –

Present –

The Honorable John Marshall Chief Justice
Joseph Story
Smith Thompson
The Hon^ble John McLean Associate Justices
Henry Baldwin &
James M. Wayne

Alexander Hunter Esquire Marshal
William Thomas Carroll Clerk

Proclamation being made the Court is opened

The State of Maryland. —
vs Comp^t
The Commonwealth of
Virginia. —

On Consideration of the motion made in this cause by Mr Bayly Solicitor for the Complainants on a prior day of the present term of this court, viz^t on Tuesday the 20^th of January inst – It is now here ordered by the Court that process of subpoena be and the same is hereby awarded in this case as prayed for to be made returnable on the first Monday of August next.

Saturday February 14 1835. Continued

Geo. King's heirs &c. Appellants vs Silas Thompson & wife	The argument of this cause was commenced by Mr. Dunlop for the appellants, continued by Mr. Coxe for the appellees and concluded by Mr. Key for the appellants.

Proclamation being made the Court is adjourned until Monday morning at eleven Oclock.

Monday February 16 1835.

Pursuant to adjournment the Court met this morning at the Capitol

Present

The Honorable John Marshall Chief Justice
Joseph Story
Smith Thompson
The Hon.ble John McLean Assoc.te Justices
Henry Baldwin
James M. Wayne
Alexander Hunter Esquire Marshal
William Thomas Carroll Clerk

Proclamation being made the Court is open

51 Benjamin S. Farrar &al vs Hagthorp &al

The argument of this cause was commenced by Mr. Key for the appellants continued by Messrs Gamble and Wilde for the appellees and concluded by Mr. Key for the appellants

Proclamation being made the Court is adjourned until tomorrow morning at eleven o'clock

Tuesday February 17 1835.

Pursuant to adjournment the Court met this morning at the Capitol.

Present

The Honorable John Marshall Chief Justice
Joseph Story
Smith Thompson Associate
The Honble John McLean Justices
Henry Baldwin
James M. Wayne

Alexander Hunter Esquire Marshal
William Thomas Carroll Clerk

Proclamation being made the Court is opened.

John Coulson Appellee
vs
James Walton & Nathaniel Wm Williams, Executors of Jesse Walton dec'd & The Heirs of Jesiah Payne dec'd.

On appeal from the Circuit Court of the United States for the District of West Tennessee.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of West Tennessee and was argued by Counsel. On consideration Whereof. It is decreed and ordered by this Court that the decree of the said Circuit Court in this cause be and the same is hereby affirmed with Costs.

J. M. Js. McLean

Tuesday February 17 1833. Continued

Elisha Winn, James Clement, John Berry jr. William Rucks, William Markin, Benjamin Jackson, Samuel Carruthers, Stephen Nolen William Hobbs sen. Hobbs, Joel Pricket, Mathias Bates William Hobbs Isham Williams, Elijah Tutton, Princeon Berry, James Crawford, John Berry sen. William Franklin, Hezekiah Collier, James Twinney, George Nolen, James Nolen, Joshua Hill, James Berry - Plffs in Er

38. vs

Lessee of William Ballinger

In Error to the Circuit Court of the United States for the District of Georgia

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of Georgia and was argued by Counsel On consideration whereof It is ordered and adjudged by this court that the judgment of the said Circuit Court in this cause be and the same is hereby affirmed with costs -

Ths Mc Kinley

Sebastian Kennett Plff in Er

46. vs

Jean Jacques Vallette

In Error to the District Court of the United States for the Eastern District of Louisiana -

This cause came on to be heard on the transcript of the record from the District Court of the United States for the Eastern District of Louisiana and was argued by Counsel - On consideration Whereof, It is

Tuesday February 17 1835 Continued

adjudged and ordered by this Court that the judgment of the said District Court in this cause be and the same is hereby affirmed with costs and damages at the rate of six per centum per annum. —

J. M. Ans. Story

The Chesapeake & Ohio Canal Company — Plff in Er
vs
Abraham Knapp et al

The argument of this cause was commenced by Mr. Cope for the Plaintiff in Error and continued by Messrs Key and Webster for the defendants in Error. —

Proclamation being made the Court is adjourned until tomorrow morning at eleven o'clock

Wednesday February 18 1833

Pursuant to adjournment the Court met this morning at the Capitol.

Present

The Honorable John Marshall Chief Justice
The Hon'ble Joseph Story, Smith Thompson, John McLean, Henry Baldwin, & Gabriel Duvall — Associate Justices

Alexander Hunter Esqre. Marshal
William Thomas Carroll Clerk

Proclamation being made the Court is opened.

Edmund Livingston &c &c
vs
Benjamin Story &c

47.

On appeal from the District Court of the United States for the Eastern District of Louisiana — This cause came on to be heard on the Transcript of the record from the District Court of the United States for the Eastern District of Louisiana and was argued by Counsel — On consideration whereof. It is ordered and decreed by this Court that the decree of the said District Court in this cause be and the same is hereby reversed and that this cause be and the same is hereby remanded to the said District Court for further proceedings to be had therein according to law and justice and in conformity

Wednesday February 1833 Continued

Charles Christ Delpuech &c. } On appeal from the District
vs. } Court of the United States
The United States — — } for the District of Missouri

This cause came on to be heard on the transcript of the record from the District Court of the United States for the District of Missouri and was argued by Counsel — On Consideration whereof this Court is of opinion that the claim of the appellant is valid and ought to be confirmed — Whereupon it is ordered, adjudged and decreed by this Court that the decree of the said District Court in this cause be and the same is hereby reversed and annulled, and this Court proceeding to pronounce such decree as the said District Court ought to have given with Relation the claim of the petitioner to be valid and doth confirm his title & the Board of Land Commissioners mentioned in the Ordinances thereof in conformity to the Survey made by Antonio Soulard, principal Deputy Surveyor of Upper Louisiana on the 4th day of December 1811 and the Certificate of the said Survey dated the 5th of March 1812 and appearing in the record of the proceedings of the cause — Ordered the Marshall

Auguste Chouteau Gabriel Cerre Chouteau Henry Chouteau Pierre Chouteau Pierre Paul and Victoire his wife Gabriel Paul and Louise his wife, and Thomas F. Smith and Emilie his wife heirs of Auguste Chouteau dec'd — Appellants

v.

The United States —

Wednesday February 18. 1833. Continued

of the United States for the district of Louisiana in the cause wherein [illegible] is Appellant and the United States Appellees, and was argued by counsel. On consideration whereof this Court is of opinion that the claim of the Appellants is valid and ought to be confirmed. Whereupon, it is ordered, adjudged and decreed by this Court that the decree of the said District Court in this cause be and the same is hereby reversed and annulled, and this Court proceeding to pronounce such decree as the said District Court ought to have given doth declare the claim of the Petitioners to the tract of land in their petition mentioned to be valid, and doth confirm their title to the same according to the boundaries thereof as described in the survey made by James Rankin Deputy Surveyor and certified by Antonio Soulard Surveyor and Deputy Surveyor of Upper Louisiana as appears by the certificate of the 29th December 1803 now on the record. — [illegible]

Augusta A. Chouteau, Gabriel Cerre Chouteau, Henry Chouteau, Pierre Chouteau, Cordelia Pratt, and Rene Paul, husband of [illegible] Paul, and Gabriel Paul husband of [illegible] Chouteau and Pierre Chouteau husband of Emilie Cerre Chouteau [illegible]

The United States —

On appeal from the District Court of the

Wednesday February 18 1835 Continued

Charles Debault Delaps - Appellt
vs
The United States - — On appeal from the District Court of the United States for the District of Missouri

This cause came on to be heard on the transcript of the record from the District Court of the United States for the District of Missouri and was argued by counsel - On consideration whereof this Court is of opinion that the claim of the appellant is valid and ought to be confirmed - Whereupon it is ordered, adjudged and decreed by this Court that the decree of the said District Court in this cause be and the same is hereby reversed and annulled, and this Court proceeding to pronounce such decree as the said District Court ought to have given doth declare the claim of the petitioner to be valid and doth confirm his title to the tract of land in his petition mentioned according to the boundaries thereof, as described in the survey made by Antonio Soulard, Principal Surveyor of Upper Louisiana on the 11th day of December 1799 and his certificate of the said survey dated the 5th of March 1800 and appearing in the record of the proceedings of the cause - It is ordered by the Marshall

Augustus Chouteau Gabriel Cerre Christian Henry Chouteau Edward Chouteau, Rene Paul, and Eulalie his wife, Gabriel Paul and Louise his wife, and Thomas F. Smith and Emelie his wife heirs of Auguste Chouteau dec'd Appellees —

vs

The United States —

On appeal from the District Court

Wednesday February 18. 1833. Continued

of the United States for the District of Louisiana

This Cause came on to be heard on the transcript of the record from the District Court of the United States for the District of Missouri and was argued by counsel. On consideration whereof this Court is of opinion that the Claim of the appellants is valid and ought to be confirmed. Whereupon, it is ordered, adjudged and decreed by this Court that the decree of the said District Court in this cause be and the same is hereby reversed and annulled, and this Court proceeding to pronounce such decree as the said District Court ought to have given doth declare the claim of the petitioners to the tract of land in their petition mentioned to be valid, and doth confirm their title to the same according to the boundaries thereof as described in the survey made by James Rankin, Deputy Surveyor and certified by Antonio Soulard Surveyor & Deputy Surveyor of Upper Louisiana as appears by the certificate of the 29th December 1813. Contained in the record. — "V. M. Ch. Jno. Marshall."

Auguste A. Chouteau, Gabriel Louis Chouteau, Henry Chouteau [illegible] Chouteau Eulalie Paul, and Rene Paul, husband of said Eulalie Chouteau Paul, and Gabriel Paul husband of said Louise, Emilie Smith & Thomas Smith husband of said Emilie heirs of Auguste Chouteau [illegible]

45

The United States. —

On appeal from the District Court of the

Wednesday February 18 1835 Continued

This cause came on to be heard on the transcript of the record from the District Court of the United States for the District of [illegible] and was argued by Counsel on consideration whereof, This court is of opinion that the claim of the appellants is valid and ought to be confirmed.- Whereupon it is ordered, adjudged and decreed by this court that the decree of the said District Court in this cause be and the same is hereby reversed and this court proceeding to pronounce such decree as the said District Court ought to have given doth declare the claim of the Petitioners to be valid and doth confirm their title to the tract of land in their petition mentioned according to the boundaries thereof as described in the survey made by Antonio Soulard Surveyor of Upper Louisiana on the 1st day of March 1801 a certificate of which appears in the record dated the 10th day of April 1801.

"Ex. Ex. Ord. Mandate"

Chas. Lee Counsel Constt &c	The argument of this cause was
52. vs. Pltff in Er.	Concluded by Mr Soulard for
Abraham Kingsbury	the plaintiffs in Error.-

Estate of Olivier F. Wilcott	On motion of Mr Anthony of
53. vs. Pltff in Er.	Counsel for the plaintiff in
Andrew L. Hepburn	Error. It is ordered by the court
	that this cause be and the
	same is hereby dismissed with the costs of the record.-

Wednesday January 18 1832 Continued

John W. Worldridge &c. Plff in Er vs Bank Comth of Kentucky	On motion of Mr Loughborough for the Plaintiff in Error it is ordered by the Court that this cause be and the same is hereby dismissed at the cost of the docket.

Joseph L. Beers &c. Plff in Er vs Richard Haughton	This cause was submitted to the consideration of the Court on the motion and printed arguments by Mr Starr and Chester for the plaintiff in Error and by Mr Fox for the defendant in Error

Nathaniel G. Benton, Dist. Attorney &c. Appellt vs M. P. Worley &al	On motion of Mr Attorney General of Counsel for the Appellant - It is ordered by the Court that this cause be and the same is hereby postponed to the first of the docket

[illegible] Appellt vs Felix Grundy	The argument of the motion was resumed by Mr Loughborough for the Appellant, continued by Mr Key for the appellee and concluded by Mr Loughborough for the appellant

Wednesday February 18 1835. Continued

60	Christopher Graham vs Pltff in Er. Bank Comth of Kentucky.	On motion of Mr. Loughborough of counsel for the plaintiff in Error - It is ordered by the Court that this cause be and the same is hereby postponed to the foot of the docket. -

Proclamation being made the Court is adjourned until tomorrow morning at eleven Oclock. -

Thursday February 19 1835.

Present at the Capitol —

Present

The Honorable John Marshall Chief Justice
Joseph Story
Gabriel Thompson
The Honble John McLean Associate Justices
Henry Baldwin
James M. Wayne

Alexander Hunter Esquire Marshal
William Thomas Carroll Clerk

Proclamation being made the Court is opened

On motion first made to the Court in this behalf by Mr Brent. It is ordered that James S Brown Esquire of the State of Virginia be admitted to practice as an Attorney and Counsellor of this Court and he was sworn accordingly. —

61.	Sarah Boone val. Appellee vs William Chiles val —	This cause was argued by Mr Clay for the Appellants. —

Thursday February 19 1835. Continued

William Chiles Jacob Smeltzer, Nicholas Smith Jacob Smith Simeon Cummins Caroline Cummins, Joseph Steele, Mariam Steele, James Hoy, Fanny Hoy, John Newland and Celia his wife late Celia Hoy, Hugh Brown & Ann Emmett Joseph Kenny Glasscock and Mary Jane Glasscock his wife late Mary Ann Bayle George Anne Bayle Walter K. Bayle, and Sophia Bayle the said George Ann, Walker K. and Sophia by William M. Bayle their guardian John South, Thomas J. South, Margaret South Elijah South David Hanson Amos Baker, Moses Davidson, James Easin, Adam Rogers, Josiah Boone, and Hezekiah Boone. — Appellants —

vs

Sarah Boone, Lincoln Boone, Richard Boone, Rebecca Boone Hannah Boone Daniel Boone, Mary Ann Boone William Boone, and Thomas Boone heirs of Thomas Boone, dec.d —

On appeal from the Circuit Court of the United States for the District of Kentucky.

Mr Clay of Counsel for the appellees having stated that he was about to appeal from the decree of the Circuit Court of the United States for the District of Kentucky in the case No 61 in the Chancery of the Court as appears from the record of said cause now here produced and read in open Court and that the appellants had failed to have the said appeal bond given the Ordinance of the Court according to the rules thereof, moved the Court to have said appeal stricken and dismissed. In Consideration whereof

Thursday February 19. 1835. Continued.

It is now here ordered, adjudged and decreed by this court that this appeal from the Circuit Court of the United States for the District of Kentucky be and the same is hereby dismissed. —

Jos. M. Hus. Story —

64. Robert Tennick Pltff in Er
vs
Eliza & Robert Chapman

The argument of this cause was commenced by Mr. Brent for the Pltff in Error, continued by Mr. Key for the defendant in Error and concluded by Mr. Brent for the Pltff in Error

66. Samuel Smith & al Pltffs in Er
vs
James W. Breedlove & Co

This cause was submitted to the consideration of the Court on the transcript of the record by Mr. Bell of Counsel for the defendants in Error stating that the cause was brought up merely for delay and praying an affirmance of the judgment below with ten per cent damages under the rule of this Court. —

67. L. Hausman & al Pltffs in Er
vs
James W. Breedlove & Co

This cause was submitted to the consideration of the Court on the transcript of the record by Mr Bell of Counsel for the defendants in Error stating that the cause was brought up merely for delay

Thursday February 19 1835 Continued

and praying an affirmance of the judgment below with ten per cent damages under the rule of this Court. —

Appn of Charles Scott Val. Eff 1 00

18 vs

Thomas Reid Jr. Val —

On motion of Mr Leigh of Counsel for the plaintiff It is ordered by the Court that this cause be and the same is hereby continued to the next Term of this Court.

Proclamation being made the Court is adjourned until to morrow morning at eleven o'clock. —

Friday February 20 1835.

Pursuant to adjournment the Court met this day at the Capitol.

Present

The Honorable	John Marshall	Chief Justice
	Joseph Story	
	Smith Thompson	Associate
The Honble	John McLean	Justices.
	Henry Baldwin	
	James M. Wayne	

Alexander Hunter Esqre Marshal
William Thomas Carroll Clerk

Proclamation being made the Court opened

Josiah Ventress Exrs	vs	This cause for argument
by		and Counsel not being
John Clark's admr		ready - It is ordered by

the Court that it be and the same is hereby postponed to the foot of the docket.

70. Nelson J. Elliot.	Plff	On motion of the Attorney
	vs	General of Counsel for the
Samuel Swartwout &c.		defendant It is ordered by

the Court that this cause be and the same is hereby postponed to the foot of the docket. -

Friday February 20th 1835. Continued

73 The Lessee of Sipe & Pfaff vs The Vaughn & al	The cause having been called for argument and counsel not being ready - It is ordered by the Court that it be and the same is hereby postponed to the foot of the Docket -
72 Nathan Carr use. Appellee vs Joseph Hoysie	On motion of the Attorney General of Counsel for the defendant - It is ordered by the Court that this cause be and the same is hereby postponed to the foot of the docket -
74 Wm H Tracy use. Pltff in Err vs Samuel Swan et al Defts	On motion of Mr Attorney General of counsel for the defendant It is ordered by the Court that this cause be and the same is hereby postponed to the foot of the docket. -
75 Lessee of Lucken & Thompson vs Pltff in Err Eliza F. Moulard	On motion of Mr Swann of Counsel for the plaintiff in Error - It is ordered by the Court that this cause be and the same is hereby postponed to the foot of the docket. -
76 Samuel L Harris use vs Pltff Sipe & Elliott et al Defts	On motion of Mr Attorney General of counsel for the defendant - It is ordered by the Court that this cause be and the same is hereby postponed to the foot of the docket. -

Friday February 20 1835. Continued -

78. Thomas Edwards Pltff in Er
vs
David Wilkinson

On motion of Mr Webster of Counsel for the plaintiffs. It is ordered by the Court that this cause be and the same is hereby continued to the next term of this Court. -

79. The United States Pltffs in Er
vs
David Ott's admr

On motion of Mr Attorney General of counsel for the plaintiff in Error - It is ordered by the Court that it be and the same is hereby postponed to the foot of the Docket.

80. Burtis Ringgold Pltff in Er
vs
Charles Binns Defdt

This cause having been called for argument and Counsel not being prepared It is ordered by the Court that it be and the same is hereby postponed to the foot of the Docket.

81. Samuel Spragg Pltff in Er
vs
The Bank of Mount Pleasant

This cause having been called for argument and Counsel not being prepared It is ordered by the Court that it be and the same is hereby postponed to the foot of the Docket.

82. John Cowhaval Pltff in Er
vs
Exrs of Bank vs States

On motion of Mr Caswell of Counsel for the defendant in Error It is ordered by the Court that this cause be and the same is

Friday February 20 1835 Continued

George W. Worland pltff in Er.	This cause having been called
83.	for argument and counsel not
vs	being prepared It is ordered
Bank Comth Kentucky	by the court that it be and the
	same is hereby postponed to the foot of the docket.

George W. Worland pltff in Er.	This cause having been called
84.	for argument and counsel not
vs	being prepared. It is ordered
Bank Comth Kentucky	by the court that it be and the
	same is hereby postponed to the foot of the docket

Burgess Pool use pltff in Er.	This cause having been called
85.	for argument and counsel not
vs	being prepared It is ordered
Estate of John Yeager dec.	by the court that it be and the
	same is hereby postponed to the foot of the docket.

John H. Davis' admr. pltff	This cause having been called
86.	for argument and counsel
vs	not being prepared It is
the Bish. of Alex. Brenan dec.	ordered by the court that it be
	and the same is hereby postponed to the foot of the docket

Proclamation being made the court is adjourned until tomorrow morning at eleven oclock.

Saturday February 21 1835.

Pursuant to adjournment the Court met this morning at the Capitol -

Present

The Honorable	John Marshall	Chief Justice
	Joseph Story	
	Smith Thompson	Associate
The Honble	John McLean	Justices
	Henry Baldwin	
	James M. Wayne	
Alexander	Hunter Esquire	Marshal
William	Thomas Carroll	Clerk

Proclamation being made the Court is opened.

John A King, Georg King Richard M Stacy and Anna C his wife, and Charles King by Margaret King his committee heirs at law of George King dec'd and Raphael Semmes Charles King and John W Baker. Appellees.

50. vs

Josias Thompson and Betsey his wife. — —

On appeal from the Circuit Court of the United States for the District of Columbia holden in and for the County of Washington -

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of Columbia holden in and for the County of Washington and was argued by Counsel - On consideration whereof. It is ordered and decreed by

Saturday February 21 1835.

this Court that the decree of the said Circuit Court in this cause be and the same is hereby reversed, and that this cause be and the same is hereby remanded to the said Circuit Court for further proceedings to be had therein according to law and justice and in conformity to the opinion of this court.

Js. Mc Kinley

Benjamin L. Farmer and John Gilliam - Appellants

51

vs

Samuel B. Farmer & Charlotte Farmer his wife & Patience Gibson

On appeal from the District Court of the United States for the Southern District of Alabama.

This cause came on to be heard on the transcript of the record from the District Court of the United States for the Southern District of Alabama and was argued by Counsel. On Consideration Whereof, It is ordered and decreed by this Court that the decree of the said District Court in this cause be and the same is hereby reversed and annulled, and that this cause be and the same is hereby remanded to the said District Court with directions to that Court to dismiss the Bill of the Complainants with costs.

Js. Mc. Kinley. Thompson.

52

S. T. Gardenier & Daniel K. Perkins

vs

Appellees

James W. Bradlove & Peter T. Cardy

On Error to the Circuit Court of the United States for the District of West Tennessee

This cause came on to

Merchants trading under the firm & Style of James W. Bradlove & Co.

Saturday February 21 1835. Continued -

of the record from the Circuit Court of the United States for the District of West Tennessee and was argued by Counsel - On consideration whereof it is considered by this Court that the said judgment of the Circuit Court be and hereby is affirmed with costs. And it is further considered by this Court that damages & the interest to be computed as a part of the said damages & be and hereby are awarded to be paid by the plaintiffs in Error & the defendants in Error at the rate of Ten per centum per annum upon the amount of the said judgment from the time of the rendition of the said judgment in the Circuit Court until the present time -

Ord. Mr. Key

Samuel Smith, William A. Perkins Jr. & Peter Perkins and the same Peter Perkins Admr of Thomas Hanson Perkins. decd Plffs in Error

66.

vs

James W. Breedlove, and Peter Hardy Merchants trading under the firm and Style of James W. Breedlove & Co Defts in Error to the Circuit Court of the United States for the District of West Tennessee -

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of West Tennessee and was argued by Counsel - On consideration whereof It is considered by this Court that the said judgment of the Circuit Court be and hereby is affirmed with costs And it is further considered by this Court that damages

Saturday February 21 1835 Continued

[illegible] the interest to be computed as a part of the said damages be and hereby are awarded to be paid by the Plaintiffs in Error to the Defendants in Error at the rate of Ten per centum per annum upon the amount of the said judgment from the time of the rendition of the said judgment in the Circuit Court until the present time. — J. M. Ros. Story

2. Chas. O'Bannon &c. Appellants vs Chas Carroll &c. — On motion of Mr. Jones of Counsel for the plaintiffs in Error stating that a constitutional question was involved in this case. It is ordered by the Court that this cause be and the same is hereby continued to the next term of this Court. —

1. Amos Binney's heirs. Appellants vs Chesapeake & Ohio Canal Company — On motion of Mr. Jones of Counsel for the appellants it is ordered by the Court that this cause be and the same is hereby continued to the next term of this Court.

3. Thomas Cammack's Admr. &c. Appellants vs Mayor &c. of Washington &c. Defendants — On motion of Mr. Key of Counsel for the appellants it is ordered by the Court that this cause be and the same is hereby continued to the next term of this Court. —

Whereupon the Court is adjourned until Monday morning at eleven o'clock.

Monday February 23 1835.

Pursuant to adjournment the Court met this morning at the Capitol -

Present

The Honorable	John Marshall	Chief Justice
	Joseph Story	
	Gabl Thompson	
The Honble	John McLean	Justices
	Henry Baldwin	
	James M. Wayne	

Alexander Hunter Esqr Marshal
William Thomas Carroll Clerk

Proclamation being made the Court is opened

Colin Mitchel &al. Appellts	The argument of this cause
vs	was continued by Mr Attorney
The United States -	General for the appellees -

Proclamation being made the Court is adjourned until tomorrow morning at eleven oclock -

Tuesday February 24 1835.

Pursuant to adjournment the Court met this morning at the Capitol.

Present

The Honorable	John Marshall	Chief Justice
	Joseph Story	
	Smith Thompson	Associate
The Honble	John McLean	Justices.
	Henry Baldwin &	
	James M. Wayne	

Simon Kenton Esquire Marshal
William Thomas Carroll Clerk

Proclamation being made the Court is opened.

57

Robert Boyce & Richard Boyce Exrs of James Boyce dec'd. Appts
vs
Felix Grundy ——

On appeal from the Circuit Court of the United States for the District of West Tennessee.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of West Tennessee, and was argued by Counsel. On consideration whereof It is ordered adjudged and decreed, that the decree of the Circuit Court rendered upon the mandate aforesaid be and hereby is reversed and annulled. And this Court proceeding to render such decree as the Circuit Court ought to have rendered in the premises Do further order, adjudge and decree as follows. That the said

Tuesday February 24 1835. Continued

sum of Twenty one hundred dollars, reported by the Master as received for rents by the said Robert Boyce under the agreement therein mentioned ought under all the circumstances of the case to be accounted assets of the said James Boyce deceased, in his the said Roberts hands to be administered according to law, and that the same ought to be applied in due course of administration to the payment of the debt of Twenty hundred and fifty five dollars and twenty eight cents in the original bill of the Complainant Court mentioned & the plaintiff is to be paid the costs of the present suit and it as thereupon ordered, adjudged and decreed that the same be so applied and paid by the said Robert as administrator with the will annexed of the said James Boyce accordingly. And it is further ordered adjudged and decreed that execution do issue against the said Robert Boyce as administrator as aforesaid for the said debt of twenty hundred and fifty five dollars and twenty eight cents and the costs of the present suit to be levied of the goods and chattles &c of the said James Boyce in the hands of the said Robert administrator aforesaid, and if none such shall be found then to be levied out of the proper goods and chattles &c of him the said Robert.

P. W. Tho. Clay

Tuesday February 24 1835 Continued

	Ex parte: In the matter of the Life & Fire Insurance Comp^{y} of the City of New York petn^{r}	On motion for a mandamus to the District Judge of the United States for the Eastern District of Louisiana
48.	vs	On consideration of the motion made in this case
	Christopher Adams —	

for a mandamus to be addressed to the Honble Samuel H. Harper District Judge of the United States for the Eastern District of Louisiana and of the argument of Counsel thereupon had as well in opposition to as in support of the motion — It is now here ordered and adjudged by this Court that the Mandamus prayed for be and the same is hereby refused and that the said motion be and the same is hereby overruled.

"P. M. Ch. Jus Marshall"

	Colin Mitchel & al. Appts	This cause was further
12.	vs	argued by Mr Attorney
	The United States —	General for the appellees —

Proclamation being made the Court is adjourned until tomorrow morning at eleven oclock. —

Wednesday February 25 1835

Pursuant to adjournment the Court met this morning at the Capitol

Present

The Honorable	John Marshall	Chief Justice
	Bushrod Washington	
	Smith Thompson	Associate
The Honorable	John McLean	Justices
	Henry Baldwin	
	James M. Wayne	

Alexander Hunter Esquire Marshal
William Thomas Carroll Clerk

Proclamation being made the Court is opened

Colin Mitchel vs. Appellee vs The United States —	This cause was finally argued by the Attorney General on behalf of the Appellees.

William Chilton vs. Appellee vs Sarah Boone widow —	This cause was submitted to the consideration of the Court on behalf of the Appellees by Mr Key on a printed argument.

Proclamation being made the Court is adjourned until tomorrow morning at eleven o'clock

Thursday February 26 1835.

Pursuant to adjournment the Court met this morning at the Capitol

Present

The Honorable John Marshall Chief Justice
Joseph Story
Smith Thompson
The Mc Lean
Henry Baldwin
James M. Wayne
The Honble Associate Justices

Alexander Hunter Esquire Marshal
William Thos Carroll Clerk —

Proclamation being made the Court is opened —

22. Ex parte of John Kelly vel Plff
To
William Timon vel —

On motion of Mr Cope of Counsel for the Plaintiff. It is ordered by the Court that this cause be and the same is hereby continued to the next term of the Court —

12. Cohen Michel vel. Appellants
To
The United States —

The argument of this cause was continued by Mr Call for the appellees —

Proclamation being made the Court is adjourned until tomorrow morning at eleven oclock. —

Friday February 27 1835.

Pursuant to adjournment the Court met this morning at the Capitol.

Present

The Honorable John Marshall Chief Justice

The Honble
- Bushrod Washington
- Smith Thompson
- John McLean
- Henry Baldwin
- James M. Wayne

} of the Court

Alexander Hamilton Esquire Marshal
William Thomas Carroll Esqr.

Proclamation being made the Court is opened.

Colin Mitchel and others vs. The Steam Boat Thomas Jefferson

This cause was further argued by Mr Lee for the Appellants.

Proclamation being made the Court is adjourned until tomorrow morning at eleven o'clock.

Saturday February 28 1835.

Pursuant to adjournment the Court met this morning at the Capitol -

Present -

The Honorable	John Marshall	Chief Justice
	Joseph Story	
	Smith Thompson	Associate
The Honble	John McLean	Justices
	Henry Baldwin &	
	James M. Wayne	

Alexander Hunter Esquire Marshal
William Thomas Carroll Clerk

Proclamation being made the Court is opened

On motion first made to the Court in this behalf by Mr Attorney General - It is ordered that Philip P Barbour Esquire of the State of New York be admitted to practice as an Attorney and Counsellor of this Court and he was sworn accordingly. —

Joseph L Bates William L Brent & Isaac R. St John - Pltfs in Error

vs.

Richard Haughton — Deft in Error

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of Ohio. — This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of Ohio and was argued by Counsel On consideration whereof It is ordered and adjudged by this

Saturday February 28 1835 Continued

Court that the Judgment of the said Circuit Court in this Cause be and the same is hereby affirmed with Costs. — Jr. M. Pres. Story

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Edmund J. Lee - Appellant
vs.
Richard J. Jones - Appellee

On appeal from the Circuit Court of the United States for the District of Columbia holden in and for the County of Alexandria. —

Mr. Swann of Counsel for the appellee having filed and read in open Court the following Certificate, viz. -

"District of Columbia, Alexandria County, to wit

I Edmund J. Lee, Clerk of the United States Circuit Court of the District of Columbia for the County of Alexandria, do hereby certify that the cause lately depending in the said Court, in which Richard J. Jones is Complainant, and Edmund J. Lee Defendant, at October Term 1833 the Appellant prayed an appeal to the Supreme Court of the United States from the decree of the Circuit Court then pronounced which was granted, upon his giving Bond & Security in the penalty of $300, which Bond has been done. —

In Testimony Whereof, I have to set my hand and seal of office this 20th day of February 1835. — Edmd J. Lee Clk."

Now here moved the Court in pursuance of the thirtieth rule of this Court to have the appeal docketed and dismissed. On consideration whereof, It is now here ordered and decreed by this Court that this appeal be and the same is hereby docketed and dismissed —

Saturday February 28 1835. Continued.

	The Mayor Recorder & Comty of New York — Plff in Error vs Nicholas Wilson	On motion of Mr Porter of Counsel for the defendant in which Mr Benton in behalf of the plaintiff in error the cause was submitted to the consideration of the Court on the record. —
49.		
	Nathan Dane and others Appellants vs Joseph Hoyseie —	On motion of Mr Dane of Counsel for the appellants in which Mr Whipple of counsel for the appellees appealed It is ordered by the Court that the cause be on the same is hereby continued to the next term of this Court. —
73.		
	Colin Mitchel and others Appellants vs The United States —	The argument of this cause was continued by Mr Hall for the appellees —
12.		
	Joseph Mackay et al Plaintiffs in Error vs Richard M Cornell et al Defendants in Error	On consideration of the motion & application of Mr Denny filed in this cause It is now here ordered by the Court that the Clerk issue to Mr Denny the writs of Scire facias prayed for in said application taking his receipt for the same to be filed with the papers. —
58 of 1832		

Proclamation being made the Court is adjourned until Monday morning at eleven oclock. —

Monday March 2 1835.

Pursuant to adjournment the court met this morning at the Capitol -

Present

The Honorable John Marshall Chief Justice
The Hon'ble Joseph Story, Smith Thompson, John McLean, Henry Baldwin, James M. Wayne } Associate Justices

Alexander Hunter Esquire Marshal
William Thomas Carroll Clerk

Proclamation being made the court is opened

On motion first made to the court in this behalf by Mr Fillett - It is ordered that Samuel S Hathaway jr Esquire of the State of New York be admitted to practice as an attorney and counsellor of this court and he was sworn accordingly -

12. Colin Mitchel & al - Appellants
vs
The United States -

The argument of this cause was further continued by Mr Ball for the appellees, and by Mr Berrien for the appellants -

Proclamation being made the court is adjourned until tomorrow morning at eleven o'clock.

Tuesday March 3 1835.

Pursuant to adjournment the Court met this morning at the Capitol.

Present

The Honorable	John Marshall	Chief Justice	
	Joseph Story		
	Smith Thompson	Associate	
The Honble	John McLean	Justices.	
	Henry Baldwin		
	James M. Wayne		

Alexander Hunter Esquire Marshal
William Thomas Carroll Clerk

Proclamation being made the Court is opened.

John Jennings Plff vs John Vaughan	On motion of Mr Ingersoll of counsel for the defendants. It is ordered by the Court that this cause be and the same is hereby continued to the next term of this Court.

73.

Samuel L. Harrowal vs Lyle & Elliot Defts.	On motion of Mr Reed of counsel for the plaintiff in which Mr Attorney General of counsel for the defendant appeared. It is ordered by the Court that this cause be and the same is hereby continued to the next term of this Court.

76

Tuesday March 3 1835. Continued

13	Colin Mitchel vs. Appeal vs. The United States	The argument of this cause not concluded by 3 O'Clock for the Defendant

Proclamation being made the Court is adjourned until tomorrow morning at eleven o'clock

1822.

Wednesday March 4. 1835.

Pursuant to adjournment the Court met this morning at the Capitol.

Present

The Honble	John Marshall	Chief Justice
	Bushrod Washington	Associate Justices
	Smith Thompson	
	John McLean	
	Henry Baldwin	
	James M. Wayne	

Alexander Hunter Esquire Marshal
William Thomas Carroll Clerk

Proclamation being made the Court is opened.

Colin Mitchel & al Appts
vs
The United States —

The argument of this cause was concluded by Mr Berrien for the Appellants. —

William King Appt
vs
James White —

On motion of Mr Jones of counsel for the Appellee. It is ordered by the Court that this cause be and the same is hereby continued to the next Term of this Court. —

Wednesday March 4 1835. Continued..

14.	The Mayor &c of New Orleans vs The United States	On motion of Mr Mason Genral of counsel for the appellee, to which Mr Webster of counsel for the appellants opented. it is ordered by the Court that this cause be and the same is hereby continued to the next term of this court.

65.	John McLean &al. appellee vs Archibald McClellan &al	On motion of W. Berrien of counsel for the appellees it is ordered by the Court that this cause be and the same is hereby continued to the next term of this Court.

Proclamation being made the Court is adjourned until tomorrow morning at eleven Oclock. –

Thursday March 5 1835.

Pursuant to adjournment the court met this morning at the Capitol.

Present

The Honorable	John Marshall	Chief Justice
	Gabriel Duvall	
	Joseph Story	
	Smith Thompson	Associate
The Honble	John McLean	Justices
	Henry Baldwin	
	James M. Wayne	
Alexander	Hunter Esquire	Marshal
William	Thomas Carroll	Clerk

Proclamation being made the court is opened.

Charles Scott, Bailiff of		In Error to the Circuit
William T. Thornton Esquire		Court of the United States
11.	vs	for the District of Columbia
John Lloyd		holden in and for the County
		of Washington.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of Columbia holden in and for the County of Washington and was argued by counsel. On consideration whereof it is ordered and adjudged by this court that the judgment of the said Circuit Court in this cause be and the same is hereby reversed and annulled and that this cause be and the same is hereby remanded to the said Circuit Court with

Thursday. March 5 1835. Continued.

directions to set aside the verdict and award a venire facias de novo.—

"P. M. Ch. Jus. Marshall"

17.	Charlotte L. Dominguez vs James T. Hull's adm'r	The argument of this cause was commenced by Mr. R. Johnson for the Plaintiff in error and continued by Mr. Williams for the Defendant in Error.—

Proclamation being made the Court is adjourned until tomorrow morning at eleven o'clock.—

Friday March 6 1835.

Pursuant to adjournment the Court met this morning at the Capitol.

Present

The Honorable John Marshall Chief Justice
Joseph Story
Smith Thompson
The Hon.ble John McLean Associate Justices
Henry Baldwin
James M. Wayne

Alexander Hunter Esquire Marshal
William Thomas Carroll Clerk

Proclamation being made the Court is opened.—

The Chesapeake & Ohio Canal Company Jeffries & al
vs
Thos. Law Knapp, Benj.n Tait, Henry Asher & Thos. Chapman.

In Error to the Circuit Court of the United States for the District of Columbia holden in and for the County of Washington.—

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of Columbia holden in and for the County of Washington and was argued by Counsel. On Consideration Whereof, it is ordered and adjudged by this Court by this Court that the judgment of the said Circuit Court in this cause be and the same is hereby affirmed with costs and damages at the rate of six per centum per annum.— Pr. Mr. Justice McLean

Friday March 5 1833 Continued

17.	Charles L Crongeral Pltff in Error vs James T. Hull & ors	The argument of this cause was continued by Mr Wirt for the defendant in Error and concluded by Mr Johnson for the plaintiff in Error
20.	Domingo Urlegue Pltff in Error vs John N. L'Arcey & al	The argument of this cause was commenced by Mr Dominguez for the Plaintiff in Error
85.	Burgess Post & al Pltff in Error vs Legee of John Flueger & al	This cause was submitted to the consideration of the Court on printed arguments by Counsel on both sides.

Proclamation being made the Court is adjourned until tomorrow morning at eleven Oclock.

Saturday March 7 1835.

(Pursuant to adjournment the Court met this morning at the Capitol —

Present

The Honorable John Marshall Chief Justice
The Honble Joseph Story, Smith Thompson, John McLean, Henry Baldwin, James M. Wayne — Associate Justices —

Alexander Hunter Esquire Marshal
William Thomas Carroll Clerk

(Proclamation being made the Court is opened

Ex parte George Milburne on petition for a writ of Habeas Corpus —

Messrs Jones and Brent of Counsel for the petitioner moved the Court to grant a rule to be served on the District Attorney of the United States for the District of Columbia commanding him to be and appear before this Court on Monday next the 9th instant of the present term of this Court and then and there shew cause if any he have why this Court should not award a writ of Habeas Corpus directed to the Marshal of the United States for the District of Columbia commanding him to have before this Court the body of George Milburne the petitioner therein at present to be detained in the prison of the County of Washington in said District

Saturday March 7 1833 Continued.

together with the day and cause of the being so returned &c — On Consideration whereof it is now here considered and ordered by this court that the rule prayed for be and the same is hereby granted returnable on Monday next the ninth. instant. — "P. Mc Ch. for Marshall"

Ex parte: In the matter of The Life & Fire Insurance Comp'y of the City of New York. Petitioners

vs

The Heirs of Nicholas Wilson

On motion for a mandamus to the District Judge of the United States for the Eastern District of Louisiana

On Consideration of the motion made in this case for a mandamus to be addressed to the Hon'ble Samuel H. Harper, District Judge of the United States for the Eastern District of Louisiana and of the arguments of Counsel thereupon had as well in support of the motion as in opposition thereto. It is now here ordered and adjudged by this Court that the Mandamus prayed for be and the same is hereby refused and that the said motion be and the same is hereby overruled. —

"P. Mc Ch. for Marshall"

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61. New York Ins. Co. Pltffs

vs

William Chiles & al. Defts

It is ordered by the Court that this cause be and the same is hereby continued to the next term of this Court for re-argument

Saturday March 7 1835 Continued.

26.	George Corbin Jeffords vs The State of Virginia	The argument of this cause was continued by Mr. Kennedy for the Plaintiff in Error and by Mr Johnson for the defendant in Error.

Proclamation being made the Court is adjourned until Monday morning at eleven Oclock.—

Monday March 9 1835.

Pursuant to adjournment the Court met this morning at the Capitol

Present

The Hon'ble	John Marshall	Chief Justice
The Hon'ble	Joseph Story Smith Thompson John McLean Henry Baldwin James M. Wayne	Associate Justices

Alexander Hunter Esquire Marshal
William Thomas Carroll Clerk

Proclamation being made the Court adjourned

87 William Chilcott &c. Appellants
vs
Jacob Boone &al

On consideration of the motion of Mr Hunter of Counsel for the appellants to strike out and rescind the order docketing and dismissing this appeal and to reinstate the same on the Calendar of this Court for argument. It is now here ordered by the Court that the said motion be and the same is hereby held under advisement to the next Term, and that this cause as it now stands be and the same is hereby continued to the next Term of this Court. -

Monday March 9 1835 Continued.

Domingo Ulloteguis Syffin &c. vs Thos N. D'Arcy & al	The argument of this cause was continued by Messrs Johnson & Janey for the defendants in Error

Proclamation being made the Court is adjourned until tomorrow morning at eleven oclock.

Tuesday. March 10 1835.

Pursuant to adjournment the Court met this morning at the Capitol.

Present

The Honorable John Marshall Chief Justice

The Honble [illegible]

Alexander Hunter Esquire Marshal

William Thomas Carroll Clerk

Proclamation being made the Court is opened

Charlotte L. Ewing and Frances L. Taylor Appellants

vs

Nathaniel Williams admr of James L. Hull —

In error to the Circuit Court of the United States for the District of Maryland.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of Maryland and was argued by counsel, On consideration whereof. It is the opinion of the Court that there was error in the said Circuit Court in refusing to sustain the objections made by the original defendants counsel to the [illegible] contained in the first specification in the record viz; "that the record in the case of Donaldson

Tuesday March 10 1835 Continued

in Hull in the Parish Court of New Orleans is not evidence in this cause against the defendants except as to the judgment of the Court in Louisiana and also in their fourth specification viz- That the depositions and documentary proof contained in the record in the cause of Donaldson vs Hull are not evidence against the defendants in this cause. And also that there was error in the said Circuit Court in refusing to grant the first instruction prayed by the defendants, viz "to direct the jury that there is no evidence in the cause to show that John K. West had any authority from the defendants in this cause, to effect a sale of any property belonging to the estate of Thos Eastin in Louisiana except in conformity with the laws of said State; and that unless the plaintiff shows a sale to the plaintiff Hull, by West in conformity with said laws and a subsequent recovery from Hull, he is not entitled to recover." And also in refusing the second instruction prayed by the defendants, viz- "to direct the jury that, unless they believe that John K. West strictly complied with the special instructions given him by the Defendants in the power of attorney of January 30 1815, and caused such legal proceedings to be instituted as were necessary to effect a sale of the personal estate of which Thos Eastin died possessed in Louisiana and under such legal proceedings, made sale of certain Slaves being part of the said personal estate to J. F. Hull the plaintiff in this cause, and that

Tuesday March 10. 1835. Continued -

the said slaves were subsequently recovered from the said Hull, that the plaintiff is not entitled to recover. And also in giving the following instruction to the jury viz "That if the jury should believe from the evidence that the proceedings of the Attorney were relied upon by them as a matter material to the, they knew it was not true, that Hull had not taken out Letters of administration on the estate of the Testator. It is therefore considered by the Court that for these errors the judgment of the said Circuit Court be and the same is hereby reversed and annulled and the cause is remanded to the said Circuit Court with directions to award a venire facias de novo -

Js. M. Mc Roy"

23	The United States Plff in Er vs William L Robeson	This cause was submitted to the consideration of the Court on a printed argument by the Attorney General on behalf of the United States

25	Domingo Urtetegui Plff in Er vs John N. D'Arcy et al	The argument of this cause was continued by W. Key for the Defendants in Error and by W. Merrick for the Plff in Error

Proclamation being made the Court is adjourned until tomorrow morning at eleven oclock -

Wednesday. March 11 1835.

Pursuant to adjournment the court met this morning at the Capitol

Present

The Honorable John Marshall Chief Justice
Joseph Story
Smith Thompson Associate
The Hon'ble John McLean Justices
Henry Baldwin
James M. Wayne

Alexander Hunter Esquire Marshal
William Thomas Carroll Clerk

Proclamation being made the court is opened

Order of Court.

So

All the opinions delivered by the court since the commencement of the term shall be forthwith delivered over to the clerk to be recorded. And all opinions hereafter delivered by the court shall immediately upon the delivery thereof be in like manner delivered over to the clerk to be recorded. And it shall be the duty of the clerk to cause the same to be forthwith recorded, and to deliver the originals with a transcript of the judgment or decree of the court thereon to the Reporter as soon as the same shall be recorded. — And all the opinions of the court shall as far as practicable be recorded during the term, so

Wednesday March 11 1835. Continued

Rule 10

1. In all cases where a writ of error or an appeal shall be brought to this court from any judgment or decree rendered thirty days before the commencement of the term, it shall be the duty of the plaintiff in error or appellant as the case may be to docket the cause and file the record thereof with the clerk of this court within the first six days of the term. If he shall fail to do so the defendant in error or appellee as the case may be, may docket the cause and file a copy of the record with the clerk, in which case it shall stand for argument at the term and at his option he may have the cause docketed and dismissed upon producing a certificate from the clerk of the court wherein the judgment or decree was rendered, stating the cause, and certifying that such writ of error or appeal has been duly sued out and allowed. —

2. No writ of error or appeal shall be docketed & the record of the cause filed by the plaintiff in error or appellant after the first six days of the term, except upon the terms that the cause shall stand for argument during the term or be continued at the option of the defendant in error or appellee — But in no case shall the plaintiff in error or appellant be entitled to docket the cause and file the record, after the same has

Wednesday. March 11 1835 Continued.

been docketed and dismissed in the manner provided for in the preceding rule, unless by order of the Court or with consent of the opposite party.

3. In all cases where the cause shall not be docketed and the record filed with the Clerk by either party until after thirty days from the commencement of the term the cause shall stand continued until the next term.

4. The rule of the Court passed at February Term 1805 and the rule passed at February Term 1821 are hereby annulled.

35	Domingo Ortelegue &c Appellants vs John A. D'Arcy Respondent	The argument of this cause was concluded by Mr. Merideth for the Plaintiff in Error.
36	The United States Appellants vs The Brig Bennett	The argument of this cause was commenced by Mr. Williams for the Appellants.

Proclamation being made the Court is adjourned until tomorrow morning at eleven o'clock.

Thursday. March 12 1835.

Pursuant to adjournment the Court met this morning at the Capitol.

Present

The Honorable John Marshall Chief Justice
Gabl. Duvall
Joseph Story
Smith Thompson
The Hon'ble John McLean Associate Justices
Henry Baldwin
James M. Wayne

Stephen Hunter Esqre Marshal
William Thomas Carroll Clerk

Proclamation being made the Court is opened

64. Robert Fenwick Plff in Error
vs
Eliza and Robert Chapman by Polly Chapman their mother and next friend

In Error to the Circuit Court of the United States for the District of Columbia holden in and for the County of Washington

This Cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of Columbia holden in and for the County of Washington and was argued by Counsel - On consideration whereof It is adjudged and ordered by this Court that the judgment of the said Circuit Court in this cause be and the same is hereby affirmed with costs. "J. M. Jno Wayne"

Thursday March 12 1835 Continued.

The United States Appellt
vs
The Bp Russell —

The argument of this cause was continued by Messrs Kennedy & Meredith for the appellee and concluded by Mr Attorney General for the appellant —

Ex parte: George Milburne
On Petition for a writ
of Habeas Corpus. —

This motion was argued by Messrs Brent & Jones in support of the rule granted, and by Mr Key in opposition thereto.

Dyer of Chas Mahon
53 vs Peyton &
Andrew D. Hepburn

The argument of this cause was commenced by Mr Mahon for the plaintiff in Error.

Proclamation being made the court is adjourned until tomorrow morning at eleven oclock. —

Friday March 13 1835.

Pursuant to adjournment the Court met this m
at the Capitol

Present

The Honorable John Marshall Chief
Joseph Story
Smith Thompson
The Hon'ble John M'Lean
Henry Baldwin
James M. Wayne
Hon'ble Hunter James Mansfield
William Thomas Carroll Clerk

Proclamation being made the Court is ope

Ex parte of Elam Tolcott
53. " vs Felix A. Hepburn
Andrew S. Hepburn

The argument of this
was continued by Mr
for the plaintiff & c
by Mr Jones for the Defe
& Ewa

Proclamation being made the Court is adjourn
until tomorrow morning at eleven o'clock.

Saturday March 14 1835.

Pursuant to adjournment the Court met this morning at the Capitol.—

Present

The Honorable	John Marshall	Chief Justice
	Joseph Story	
The Hon'ble	Smith Thompson	Associate
	John M'Lean	Justices.
	Henry Baldwin.	

Alexander Hunter Esq. Marshal
William Thomas Carroll Clerk

Proclamation being made the Court is opened.—

The United States Plff in Er.	In Error to the District Court
33. "	of the United States for the
William L. Robeson	Eastern District of Louisiana

This cause came on to be heard on the transcript of the record from the District Court of the United States for the Eastern District of Louisiana and was argued by Counsel. On consideration whereof It is ordered and adjudged by this Court that the judgment of the said District Court in this cause be and the same is hereby reversed and that this cause be and the same is hereby remanded to the said District Court for further proceedings to be had therein in conformity to the judgment and opinion of this Court.—

"J. M. Lean"

Saturday March 16 1833. Continued.

Ex parte: Geo. Milburne on petition for a writ of Habeas Corpus ....

On consideration of the rule granted on the petition last Saturday the Seventh instant commanding the District Attorney of the United States for the District of Columbia to be and appear before this court on Monday last and then and there show cause if any he had why this Court should not award a writ of Habeas Corpus directed to the Marshal of the United States for the District of Columbia commanding him to have before this court the body of George Milburne the petitioner together with the day and cause of his detention &c and of the arguments of Counsel thereupon had as well in support as in discharge of the rule It is now here ordered and adjudged by this court that the said petition be refused and that the said rule be and the same is hereby discharged

"Jas. Sh. Dis. Judg"

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1. Antonio Soulard's heirs &c &c vs The United States ....

It is ordered by the Court that this cause be and the same is hereby continued to the next term of this Court. —

Saturday March 14 1835 Continued.

John Smith P. Appt vs The United States.	It is ordered by the Court that this cause be and the same is hereby continued to the next term of this Court.

Oliver P. Wolcott's Depos- vs Jeffs is &c. Andrew D. Hepburn-	the argument of this cause was concluded by W. Leigh. man for the plaintiff in Error.

Proclamation being made the Court is adjourned until Monday morning at eleven oclock.

Monday March 10. 1834

Pursuant to adjournment the Court met this morning at the Capitol -

Present

The Honorable John Marshall Chief Justice
The Honble. Gabriel Thompson / John McLean / Henry Baldwin / Associate Justices
Alexander Hunter Esquire Marshal
William Thomas Carroll Esquire Clerk

Proclamation being made the Court is opened.

29. The United States Appellants / vs / The Brig Bunsell — On appeal from the Circuit Court of the United States for the District of Maryland

This cause came on to be heard on the Transcript of the record from the the Circuit Court of the United States for the District of Maryland and was argued by Counsel On consideration whereof, It is decreed and ordered by this Court that the decree of the said Circuit Court in this cause be and the same is hereby affirmed — "Gabriel Thompson"

26. Domingo Urtetiqui Appellee. / vs / John N. D'Arcy, Henry Didier & Domingo D'Arbel — In Error to the Circuit Court of the United States for the District of Maryland. This cause came on to

Monday March 10 1835 Continued

of the record from the Circuit Court of the United States for the District of Maryland and was argued by Counsel; On consideration whereof it is adjudged and ordered by this court that the judgment of the said Circuit Court in this cause be and the same is hereby reversed & the said Circuit Court is hereby remanded to the said Circuit Court with directions to award a venire facias de novo —

"Jn. Mc. Chs. Thompson"

Colin Mitchel Vol. &c. &c.
vs
The United States —

On consideration of the motion made by the Attorney General in behalf of the United States to continue this cause to the next term of this court and of the arguments of Counsel thereupon had. It is now here ordered by the Court that said motion be and the same is hereby overruled. —

"Jn. Mc. Ch. Jus. Marshall."

Ex parte: In the matter of The United States vs The Mayor, Aldermen and Inhabitants of New Orleans. —

On motion for a rule on the District Judge of the United States for the Eastern District of Louisiana. —

Mr. Attorney General on behalf of the United States moved the court for a rule on the District Judge of the United States for the Eastern District of Louisiana to show cause why a writ of mandamus should not be issued to him directed, commanding him to allow and enter the appeal

Monday March 15 1835. Continued

proposed and agreed by the Counsel Attorney of the United States from the order and decree of the said Judge on the 19th day of February in the year of our Lord 1834 in the case of the United States against the Mayor Aldermen and Inhabitants of New Orleans - On Consideration Whereof It is now here ordered and adjudged by this Court that the rule as prayed for be and the same is hereby granted returnable on the second Monday of January Anno Domini 1836, being the first day of the next January Term of this Court. -

"Mark the Record"

Proclamation being made the Court is adjourned until tomorrow morning at eleven Oclock -

Tuesday March 17- 1835

pursuant to adjournment the Court met this morning at the Capitol -

Present -

The Honorable	John Marshall	Chief Justice
	Smith Thompson	
the Honble	John McLean	Associate Justices.
	Henry Baldwin	

Alexander Hunter Esqre Marshal
William Thomas Carroll Clerk

Proclamation being made the Court is opened.-

Colin Mitchel Robert Mitchel in his own right and as Survivor of the estate and effects of the Mercantile house heretofore existing under the firm of Carnochan & Mitchel and as Trustee for the Creditors of said firm, and also of Richard Carnochan, William Colden, Benjamin Marshall, Benjamin W. Rogers John P. Williamson the heirs and Legal Representatives of John McPhail, dec'd and James Finnerty. - Appellants

vs

The United States. -

On appeal from the Superior Court for the District of Florida. -

This cause came on to be heard on the transcript of the record from the Superior Court for the District of Florida and was argued by Counsel, On full consideration whereof this Court are unanimously of opinion - That the Sale of the Potatoman

Tuesday March 17 1835. Continued.

to so much of the lands in controversy as are contained within the lines and boundaries of the tract granted by the deeds, grants and acts of confirmation to Panton, Leslie & Co. in 1804 & 1805. Also to the Island in the River Apalachicola ceded, granted and confirmed to John Forbes in 1811. Also to the Islands at the mouth of said River which were ceded granted, and confirmed to John Forbes & Co. in 1811 is valid by the law of nations, the Treaty between the United States and Spain by which the Territory of the Floridas was ceded to the former, the laws and ordinances of Spain under whose government the title originated, the proceedings under said treaty and the acts of Congress relating thereto and ordered, decreed determined and adjudged accordingly.

And this Court doth in like manner adjudge determine and decree that the title of the petitioners to so much of the tract of land which lies east of the first mentioned tract between the Rivers Wakulla and St Marks which was conveyed to John Forbes & Co in 1811 as shall not be included in the exception herein after made is valid by the laws, treaty and proceedings as aforesaid. With the exception of so much of the last mentioned tract as includes the Fortress of St Marks and the Territory directly and immediately adjacent and appurtenant thereto which are hereby reserved for the use of the United States. And it is further ordered and decreed

Tuesday March 17 1835. Continued

that the Territory thus described shall be that which was ceded by the Indian Proprietors to the Crown of Spain for the purpose of erecting the said Fort provided the boundaries of the said Apron can be ascertained. If the boundaries of the said Apron cannot now be ascertained then the adjacent lands which were considered and held by the Spanish Government as the Commandant of the Post as annexed to the Fortress for Military purposes shall be still considered as annexed to it, and reserved with it for the use of the United States. If no evidence can now be obtained to designate the extent of the adjacent lands which were considered as annexed to St Marks as aforesaid then so much land shall be comprehended in this exception as according to Military usage was generally attached to Forts in Florida or the adjacent Colonies. If no such Military usage can be proved then it is ordered and decreed that a line shall be extended from the Point of junction between the Rivers St Marks and Wakulla & the mouth of the River St Marks below the junction thereof extending up the middle of each river three miles in a direct line without conforming to the courses thereof and that the Territory comprehended within a direct line to be run so as to connect the points of termination on each river at the end of the said three miles up each river, and the three miles to be run as aforesaid shall be and the same is hereby declared to be the Territory reserved as adjacent and appurte-

Tuesday March 17 1835. Continued.

mant to the Fortress of St. Marks and as such re-
served for the use of the United States. To which
the Claim of the petitioner is rejected. And
as to which this Court decree that the same is a
part of the public Lands of the United States.
The decree of the Court below is therefore annexed
and annulled in all matters and things therein
contained with the exception aforesaid and
this Court proceeding to render such decree as
the said Court ought to have rendered, Do order
adjudge and decree that the Claim of the
petitioner is valid, and ought to be confirmed
and is and remains confirmed by the Treaty, laws
and proceedings aforesaid, to all the Lands em-
braced therein except such part as is herein
above excepted. — And this Court does further
order, adjudge and decree that the Clerk of this
Court certify the same to the Surveyor General
of Florida pursuant to law with directions to
survey and lay off the Lands described in the
petition of the Claimant according to the true
boundaries and description thereof in the several
deeds of cession grant and confirmation by the
Indians & Governor of West Florida filed as exhib-
its in this cause & referred to in the record thereof,
excepting nevertheless such part of the tract grant-
ed in 1811 lying east of the tract granted in
1804 & 1805 as is hereby declared to be the Territory
of the United States pursuant to the exception

Tuesday March 17 1835. Continued.

herein before mentioned and to make return thereof according to law as to all the lands comprehended in the three first herein mentioned tracts. And as to the tract last herein mentioned to survey and in like manner to lay off the same so soon as the extent of the land herein excepted and reserved for the use of the United States shall be ascertained in the manner herein before directed. And this court doth further order, adjudge and direct that the extent and boundaries of the land thus excepted and reserved shall be ascertained in the manner herein before directed.— And this court doth further order, adjudge and direct that the extent and boundaries of the land thus excepted and reserved shall be ascertained and determined by the Superior Court of the Middle District of Florida in such manner and by such proofs as is provided by the acts of Congress relating to the claims of lands in Florida and to render thereon such judgment or decree as to law shall appertain.— "P. M. Hon. Baldwin".—

Pope of Olivia F. Wolcott.	It is ordered by the Court
53 Ty Ff in Er.	that this cause be held under
Andrew D. Hepburn	advisement to the next term.

Burgis Post et al. Ff in Er.	It is ordered by the court
v.	that this cause be held under
Pope of John Hagen et al	advisement to the next term.

Proclamation being made the Court is adjourned to the

3954.

August Term 1835.

At a Session of the Supreme Court of the United States begun and held at the Capitol of the United States in the City of Washington being the present Seat of the National Government of the United States on the first Monday of August being the Fourth day of the same month in the year of our Lord one thousand eight hundred and thirty five and of the Independence of the United States the fifty ninth agreeably to the Statute in such case made and provided, were present the Honorable Associate Justice of the Supreme Court of the United States and Resident of the Fourth Circuit in the State of Maryland and was present and the Clerk of said Supreme Court attending. It is ordered by the said Associate Justice that the following entries be made in the following cases to wit.

Scanlan / 1	1827	Antoine Soulard's Heirs vs The United States	Missouri August 1835 Ordered to be continued
Lowes / 2. / Nicklass Nicholas	1828	John McKinney et al. vs John Carroll	Kentucky 1835 Aug. ordered to be Continued
Scanlan / 3. / Same Case		John Smith S. vs The United States	Missouri 1835 Aug. Ordered to be Continued.

August Term 1835.

Atty. Webster 4 Jones.	Sep.	James Kennedy's heirs Ches. & Ohio Canal Company	Washington 1835 Aug. Ordered to be Continued
Lawson Taylor 5 D.C. & U. States.	Appeal.	Thomas Hammond's adm'r. et al. appellee George Washington's Exr's	Mary land & D. C. U. S. 1835 Aug. Ordered to be Continued
Dallas Webster 6. Atty. Gen'l.	1830 Mar. 17.	Charles River Bridge appellants Warren Bridge et al.	Massachusetts Sup. Jud'l. Ct. 1835. Aug. Ordered to be Continued
Lawless 7 Atty Gen'l.	Sep.	James Mackay's heirs appellants The United States	Missouri. D.C. U. S. 1835 Aug. Ordered to be continued
Lawless 8 Atty Gen'l.	Sep.	Mackay & Kemp's heirs appellants The United States.	Missouri. D.C. U. S. 1835 Aug. Ordered to be continued
Johnson Preston	1831. Feb'y	William Kemp appellant James White	W. Virginia. D.C. U. S. 1835 Aug. Ordered to be continued
Livingston Hopkins 10 Atty. Gen'l.	1832	The Mayor &c. of New Orleans appellants The United States	Louisiana. D. C. U. S. 1835 Aug. Ordered to be continued.

August Term 1835.

White 11	[illegible] April 2	Alexander McCall's Appellt	U. States for E. D. U. S. 1835 Aug. Ordered to be continued
[illegible] Singleton		John McL's Exrs vs	
White, Widow & Lovejoy	vs to 15	George W. Brown et al Appellees &c.	Kentucky. C. of Appeals 1835 Aug. Ordered to be continued
12. Gardiner Guy Bibb		Bank of the Comm.th of Kentucky	
Lee	Dec. 4.	Estate of John Kelther et al Appellees	Kentucky. C. C. U. S. Cert. of division
13 Ogden	1833 Jan. 11.	William Simon et al The Mayor &c. of New York	1835 Aug. Ordered to be continued. New York. C. C. U. S.
14. White Jones		George Mebb	Cert. of division 1835 Aug. Ordered to be continued
Fenton Jones	1835	Alphonso Wadmore Appellees &c.	Mississippi. C. C. U. S.
15. Ely Gard.		The United States	1835 Aug. Ordered to be continued.
Ogden	1834 Dec 14	Samuel B Hilard et al Claimants of the Brig Hope and Cargo — Appellts	Alabama. C. C. U. S.
16. Webster Morgan	June 2.	Andrew Morgan et al Libellants Temperance Buchanan et al Appellees &c.	N. Carolina. C. C. U. S.
17. Sargeant		Estate of Margaret Latimer et al	1835 Aug. Ordered to be continued

August Term 1835.

Bonney 21 18. Leigh Barton	1831. Jan 19	Harriet &c. Hook & al. John Linton Curators of the Estate of T. A. Browder dec'd —	E. Louisiana D.C.U.S. 1835 Aug. Ordered to be Continued
Magruder 19. McClellan	July 1.	Estate of Margaret Coleman & al Plffs in Err. William Patrick	N. Carolina D.C.U.S. 1835 Aug. Ordered to be continued
Peter Grove Webster 20. Walker Jones	Aug. 1.	Nicholas Curtis use bonis Plff in Err. The Life and Fire Insurance Company of New York. —	E. Louisiana D.C.U.S. 1835 Aug. Ordered to be continued
Mattingly Stephenson 21. Jones	Dec 9.	Jacob Dubois Lessee of Oliver A. Wolcott — Plff in Err. Andrew D. Hasbrouck	W. Pennsylvania D.C.U.S. 1835 Aug. Ordered to be continued
Singleton 22. Bradley	1835 Jan 15	John M. Woodridge & al Plffs in Err. Bank Commth of Kentucky	Kentucky Ct. of appeals 1835 Aug Ordered to be continued
Ally Jun 23 Bradley	1835 Aug 7	Nathaniel A. Benton use Ass. Ally &c. appellt — Melancthon W. Woolsey et al.	N. York N.C.U.S. (1. dt) 1835 Aug Ordered to be continued
White Wade 24. Hawkins	1835 Aug 22	Christopher Graham Plff in Err. Bank Commth of Kentucky	Kentucky Ct. of appeals 1835. Aug. ordered to be continued

August Term 1835.

Clay	1834 Dec. 30	Sarah Evans et al. Appellt	Kentucky C. C. U. S.
25.			1835 Ordered to be continued.
		William Childs et al	
Sergeant	1835 Jan. 5	Joseph Lynch Plff in Err	Georgia Sup. Ct. Cass County
26.			1835 Aug. Ordered to be continued.
		Ambrose Harnage	
Sergeant	Jan. 5	Johnson Pipe (an Indian) Plff in Err	Georgia Sup. Ct. Cass County.
27.			1835 Aug Ordered to be continued.
		The State of Georgia	
Fenwick	Jan. 9.	John McLean et al - Plff in Err	Georgia. C. C. U. S.
28.			1835 Aug. Ordered to be continued.
Easton		Archibald McClellan et al	
Wright	Jan. 12.	Lessee of Charles C. Scott et al. Plff in Err.	W. Tennessee C. C. U. S. Cert. of division
29.			1835 Aug Ordered to be continued.
		Thomas Reid & et al.	
Thomas Gage.	Jan. 19.	Couch Bentrop & Evans Plff in Err.	Mississippi C. C. U. S.
30			1835. Aug. Ordered to be continued.
Key		John Clarke's admr.	
	Jan 19	Nelson J. Elliott Plff	New York C. C. U. S. Cert. of division.
31.			1835 Aug. ordered to be continued.
Ex parte		Samuel Swartwout et al.	

August Term 1835

Rawle 32. Whipple	1835 Jan 22. Nathan Carr & al. Appts Joseph Hopkins	R. Island C.C. U.S. 1835 Aug. ordered to be continued
33. Sayward	Jan. 22 John Cannings Lefferts pltff. John Vaughn & al	Pennsylvania C. C. U.S. Cert. of division. 1835 Aug. ordered to be continued
34 Key & Ben	Jan. 22 William H. Tracy & al. Plffs in Er. Samuel Swartwout (U.S.)	New York C. C. U.S. 1835 Aug ordered to be continued
35 Semmes	Jan. 24. Lessee of Enoch Luther and Richard Thompson Plffs in Er. Elijah F. Norland	Washington C. C. U.S. 1835 Aug. ordered to be continued
Read 36 Key & Jones	Jan. 26 Samuel L. Ames & al. Plff. Jesse D. Elliott (U.S.)	Massachusetts C. C. U.S. Cert. of division 1835 Aug. ordered to be continued
Semmes 37. Key & Jones	Jan. 29 The Columbian Insurance Company of Alexandria - Plffs in Er. Joseph W. Lawrence	Alexandria C. C. U.S. 1835 Aug. ordered to be continued
Berrien 38 Whipple	Jan. 29 Thomas Leland & al. Plff. David Wilkinson —	R. Island C. C. U.S. Cert. of division 1835 Aug ordered to be continued.
Key 39. Key & Jones	Jan. 31 The United States Plffs in Er. David M. Adm'r	Washington C. C. U.S. 1835 Aug ordered to be continued.

August Term 1835.

40	1835 July	Burbys Ringo et al. - Appts Charles Binns et al	Kentucky C.C. U.S. 1835 Aug. Ordered to be continued.
41	Feb 10	Samuel Spragg Plff in Er. The Bank of Mount Pleasant	Ohio C.C. U.S. 1835 Aug. Ordered to be continued.
42	Feb 10	John Voorhies et al. — Plff in Er. Lessee of Bank U. States	Ohio C.C. U.S. 1835 Aug. ordered to be continued
43	Feb 11	George M. Worland. Plff in Er. Bank Commth of Kentucky	Kentucky Ct of appeals 1835 Aug Ordered to be continued.
44	Feb. 11	George M. Worland et al. Plff in Er — Bank Commth of Kentucky	Kentucky Ct. of appeals 1835 Aug Ordered to be continued.
45	Feb 14	Burgess Pool et al. — Plff in Er. Lessee of John Gleeger et al.	Tennessee C.C. U.S. 1835. Aug Ordered to be Continued.
46.	Feb. 16.	John H. Davis admr. — Plff. Alexander Scaten's Representatives	Ky, Kentucky C.C. U.S. Ct. of division 1835 Aug. Ordered to be continued.
	Feb. 19	William Chiles et al. appts. Sarah Boone et al.	Kentucky C.C. U.S. 1835 Aug. Ordered to be continued

August Term 1835.

1835 Aug. 17	Benjamin S. Gilman Plff in Er. vs. Peter S. Rives	W. Tennessee C. C. U. S. 1835 Aug. ordered to be continued
Dec. 24 49	Thomas Ellicott & Jonathan Meredith Plffs in Er. vs. William Rand	Kentucky C. C. U. S. 1835 Aug. Ordered to be continued
Augs 25 50	The United States Plff in Er. vs. Peter C. St. Dupuy [illegible] heirs &c.	E. Louisiana D. C. U. S. 1835 Aug. ordered to be continued
Augs 25 51	The United States Plff in Er. vs. Joseph H. Hawkins heirs &c.	E. Louisiana C. C. U. S. 1835 Aug. Ordered to be continued
Augs 25 52	John J. Stevenson & Patrick H. Darby Plff in Er. vs. Jacob Miller & Charles Buchanan	E. Louisiana C. C. U. S. 1835 Aug. ordered to be continued

3264.

January Term 1836.

At the Capitol of the United States in the City of Washington and District of Columbia being the present seat of the National Government of the United States on the second Monday of January / being the eleventh day of the same month / in the year of our Lord one thousand eight hundred and thirty six, and of the Independence of the United States the sixtieth, the Supreme Court of the United States met agreeably to law.—

Present

The Honorable Joseph Story, Senior Associate Justice
Smith Thompson
John M'Lean Associate Justices
Henry Baldwin
James M. Wayne

Alexander Hamilton Esquire Marshal
William Thos Carroll Clerk.

Proclamation being made the Court is opened

The Court gave notice to the bar that they would commence the Call of the docket tomorrow under the rules of Court.

Proclamation being made the Court is adjourned till tomorrow morning at eleven o'clock.

1836.

Tuesday January 12th 1836.

pursuant to adjournment the court met this morning at the Capitol.

Present

The Honorable Joseph Story, Senior Associate Justice
Smith Thompson
The Hontble — John McLean | Associate Justices
Henry Baldwin
James M Wayne

Alexander Hunter Esquire Marshal
William Thomas Carroll Clerk.

Proclamation being made the Court is opened.

Order of Court

Mr Clay having moved the Court in pursuance of the 3d Resolve contained in the subjoined proceedings of the Bar and officers of the Court to have said proceedings entered on the records of the Court Mr Justice Story remarked as follows —

The Court receive with great sensibility the resolutions of the Bar in regard to the late Chief Justice Marshall — In this tribute of affectionate respect to his memory we most cordially unite — It contains a true, as it does an eloquent expression of feelings and sentiments common to the whole Profession. The community have sustained a severe loss in the departure of this great and good man who was ripe in years and full of honors. His genius, his learning and his virtues

conferred an imperishable glory on his Country, whose liberties he fought to secure, and whose Institutions he laboured to perpetuate. He was a Patriot and Statesman of spotless integrity and consumate wisdom. The Science of Jurisprudence will forever acknowledge him as one of its greatest Benefactors. The Constitution of the United States owes as much to him, as to any single mind, for the foundations on which it rests and the explanations by which it is to be maintained. But above all he was the ornament of human nature itself in the beautiful illustrations which his life constantly presented, of its most attractive graces and most elevated attributes - We who have been the witnesses and companions of his judicial labours cannot but feel the desolation which has visited us - Our consolation is that he is now beyond the reach of human infirmity and, as we trust, in the possession of the rewards of a blessed immortality - This Hall will never again be honored by his presence - But so long as it shall remain devoted to the administration of public justice so long will it preserve the best traits of his fame - For who in future ages shall here seek for his monument need but look around him and before him - The voices of the eloquent and the learned which will here pronounce his name will never fail to breathe forth at the same time his most afflicting praise -

Tuesday January 12th 1836 Continued.

the resolutions of the Bar be entered upon their records. And the Judges will wear crape on their left arms during the term as a full expression of their entire concurrence with the feelings of the Bar"

Which proceedings are as follows -

"At a meeting of the members of the Bar of the Supreme Court of the United States and of the officers of the Court held in the Supreme Court room in the City of Washington on Tuesday the 12th day of January A.D. 1836, Edmund J. Lee Esquire was appointed Chairman and Walter Jones Secretary -

On motion of Mr Clay the following resolutions were unanimously adopted -

The Honorable John Marshall Chief Justice of the Supreme Court of the United States having departed this life during the late vacation of the Court, and the members of this Bar and the officers of this court entertaining the highest veneration for his memory, the most profound respect for his extraordinary abilities and great experience and learning as a Judge, and cherishing for his many virtues, public and private, his active character and his uniformly amiable and unostentatious deportment, both in his public and private relations, the most lively and affectionate recollection, have Resolved - That as a manifestation of their high sense of the great loss which has been sustained in his death by the Bench, by the Bar, and by the whole country, they will wear the customary badge of mourning during the

Tuesday January 12th 1836 Continued

residue of the term. —

Resolved, That the Chairman communicate to the Family of the deceased, a Copy of the above resolution, and express them of the sincere condolence of the members of the Bar, and the Officers of the Supreme Court, on account of the great and irreparable loss which has been sustained by his family and his country in the lamented death of the late Chief Justice of the United States. —

Resolved. That in behalf of the Bar and Officers of this Court the Supreme Court be respectfully requested, that the foregoing resolutions may be entered on the minutes of the court. —

On motion first made to the Court in this behalf by Mr Clay. It is ordered that A. B. Underwood Esqr of the State of Kentucky and Wilson M'Candless Esqr of the State of Pennsylvania, be admitted to practice as Attorneys and Counsellors of this Court they have severally taken accordingly. —

Antonio Soulard's heirs. Appeal &c
vs
The United States —

Mr White of Counsel for the Appellant in this cause moved the Court for a re-argument of this cause. Whereupon the Court not being now sufficiently advised doth order that the consideration of said motion be and the same is hereby postponed for

Tuesday January 12th 1836 Continued.

Jacob Frederick Yolladi, Pereira D' Azumbuja Charge D'Affaires of the King of Portugal and Algarves Complt
2(August) vs Bill in Equity. —
Joachim Barroso Pereira, late Consul and late Charge d'Affaires Pro tem of the King of Portugal & Algarves to the United States. —

On motion of Mr Jones of Counsel for the Complainant. It is ordered and decreed by this court that the bill in this cause be and the same is hereby dismissed with costs. —

J. M. Mc Lean. Senior Associate.

John McKinney use &c. Plffs in Er. Mr Jones of counsel for the
2. vs plaintiffs in Error having
John Carroll — suggested the death of John McKinney one of the plaintiffs in Error in this cause since the last continuance of the same, now here moved the court for leave of the heirs and representatives of the said John McKinney deceased to appear and prosecute this writ conjointly with the other plaintiffs in Error. On consideration whereof, it is ordered by the Court that the heirs and representatives of the said John McKinney deceased have leave to appear and prosecute this writ of Error conjointly with William McConnell and Ray Mosf and that said leave be and the same is hereby granted as prayed for accordingly — and it is further ordered by the court that said cause be and the same is hereby postponed to the foot of the docket. —

Tuesday January 12th 1830. Continued

John Smith &c Appellants vs The United States.	Mr White of counsel for the appellants in this cause moved the court for a rearrangement of this cause whereupon the court not being now disposed to hear argument do order that the consideration of said motion be and the same is hereby postponed for the present.

Amos Binney's heirs Appellants vs The Chesapeake and Ohio Canal Company	On motion of Mr Webster of counsel for the appellants and by consent of Mr Jones of Counsel for the appellees. It is ordered by the Court that this cause be and the same is hereby postponed to the foot of the docket.

Thomas Hammond Appellant vs George Washington's Exrs	Mr Key one of counsel for the appellants in this cause having filed a suggestion of the death of Stancy N Hammond, admr of Thomas Hammond dec'd one of the appellants in this cause since the last continuance of the same now here moved the Court to continue this cause with leave to file the appearance of the heirs and representatives of the said Stancy N. Hammond deceased and for leave to them to appear as parties and co-appellants and to prosecute this appeal conjointly with the other co-appellants. Whereupon the

Tuesday January 12 1836 Continued

the same is hereby continued with leave to file the appearance of the heirs and Executors of the said Nancy N. Hammond dec.d and with leave to them to appear as parties to and to prosecute this appeal conjointly with the other co appellants.—

James Mackay heirs appl.ts vs The United States	On motion of Mr White of Counsel for the appellants It is ordered that this cause be and the same is hereby postponed to the foot of the docket.

8.

Mackay Where heirs appl.ts vs The United States	On motion of Mr White of Counsel for the appellants. It is ordered by the court that this cause be and the same is hereby postponed to the foot of the docket.

9.

William King appl.t vs James White	This cause having been called for argument under the 35th rule of this court no counsel appearing to argue the same It is therefore ordered by the court that said cause be and the same is hereby postponed to the foot of the docket.

Proclamation being made the court is adjourned until tomorrow morning at eleven oclock.—

Wednesday January 13th 1836.

Pursuant to adjournment the Court met this morning at the Capitol.

Present

The Honorable Joseph Story Senior Associate Justice
Smith Thompson
The Honble John McLean Associate Justice
Henry Baldwin
James M Kinley

Alexander Hunter Esquire Marshal
William Thomas Carroll Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr Ward - It is ordered that Edward Bispar and David Russell Esquires of the Bar of New York be admitted to practice as Attorneys and Counsellors of this Court. -

10. The Mayor &c of New Orleans Appellants
vs
The United States ---

This cause having been called for argument under the 30th rule of this Court and no counsel appearing to argue the same - It is thereupon ordered by the Court that said cause be and the same is hereby postponed to the foot of the docket. -

12. George H. Buisseret & Others Appellants
vs
Bank Comth of Kentucky

This cause having been called for argument and the Court being

of Mr White of counsel for the plaintiffs in Error that the same involves questions arising under the constitution of the United States. It is thereupon ordered by the court that this cause lie over for the present.

Lessee of John Walker &c Plff
13 vs
William Lemon &c Deft

This cause having been called for argument under the 30th rule of this court and no counsel appearing to argue the same. It is thereupon ordered by the court that said cause be and the same is hereby postponed to the foot of the docket.

The Mayor &c of New York Plff
14 vs
George Miln Deft

This cause having been called for argument and the court being informed upon the suggestion of Mr White of counsel for the defendant that the same involves questions arising under the constitution of the United States. It is thereupon ordered by the court that this cause lie over for the present.

Nicholas Wilmot Plff in Er
15 vs
The United States Deft

This cause having been called for argument and the court being informed upon the suggestion of Mr White of counsel for the defendant that the same involves questions arising under the constitution of the United States. It is thereupon ordered by the court that this cause be and the same is hereby postponed to the foot of the docket.

Wednesday January 13 1830. Continued

Samuel D. Southard &c
vs
Andrew Morgan &c

This cause having been called for argument under the 36th rule of this Court and no counsel appearing to argue the same. It is thereupon ordered by the court that this cause be and the same is hereby postponed to the foot of the docket.

Susannah Buchanan &c
vs
Josiah Pfiff &c.

On Motion of Mr. Webster of Counsel for the plaintiffs in Error. It is ordered by the Court that this cause be and the same is hereby continued to the next term of this court.

Harriet E. Hooker &c
vs
John Finlay, Curator &c

This cause having been called for argument under the 36th rule of this court and no Counsel appearing to argue the same. It is thereupon ordered by the court that said cause be and the same is hereby postponed to the foot of the docket.

Josiah Pfiff in Error
vs
William Patterson

On motion of Mr. Webster of Counsel for the defendant in Error. It is ordered by the court that this cause be and the same is hereby continued to the next term of this court.

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Wednesday January 13th 1836 Continued

Nicholas Wilson Clerk offt &c.	This cause having been called
20. vs	for argument under the 36th
The Life and Fire Insurance	rule of this court and no
Compy of New York —	counsel appearing to argue

the same - It is thereupon ordered by the court that said cause be and the same is hereby postponed to the foot of the docket.

Office of Discount & Deposit &c.	On motion of Mr Webster
67. vs offt &c.	of counsel for the defendant
David Vanderwood —	in Error - It is ordered by the

court that this cause be and the same is hereby continued to the next term of this court.

Alexander McCall - appellt	On appeal from the Circuit
11. vs	Court of the United States for
Josiah Nelson, Daniel Graham	the district of West Tennessee.
& Maria his wife & John McKnight	Mr Swann of counsel for
heirs of John McIver dec.d —	the appellees in this cause

having at the last January Term of this court, (to wit on the 17th day of January A.D. 1835) suggested the death of Alexander McCall the appellant, and this court having then and there ordered that this cause should lie to the end of the then January Term of the court with leave to the representatives of the said Alexander McCall to appear and prosecute this appeal and they having failed so to do. It is now here on the motion of the said counsel for the appellees considered, ordered and decreed by this court that this appeal from the Circuit

Wednesday January 13th 1836. Continued.

Court of the United States for the district of West Tennessee be and the same is hereby dismissed

Jr. W. Ho. Hay. Comm. of Pens

Proclamation being made the Court is adjourned until tomorrow morning at eleven o'clock

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Thursday January 14th 1836.

Pursuant to adjournment the Court met this morning at the Capitol –

Present

The Honble	Joseph Story	Senior Associate Justice	
	Smith Thompson		
	John McLean		Associate Justices
	Henry Baldwin		
	James M. Wayne		
Alexander Hunter		Esquire	Marshal
William Thomas Carroll			Clerk

Proclamation being made the Court is opened. –

Order of Court

Mr Butler Attorney General of the United States moved the Court to receive and enter on their minutes the proceedings of the Charleston Bar in memory of the late Chief Justice Marshall – In consideration whereof It is ordered by the Court that the said proceedings be entered on the minutes of this court and which are as follows.

Tribute to the Memory of Chief Justice Marshall –

A meeting of the Charleston Bar was held in the Federal Court room on the 17th July 1835 at one oclock P.M. to give expression to their feelings on the melancholy event which has deprived the Supreme Court of the Union, and the Union itself, of their most distinguished Judicial luminary. –

On motion of Mitchell King Esquire, Thomas Lee

Chair and Robert B. Gilchrist District Attorney appointed Secretary —

The Chairman having stated the object of the meeting, in a course of remark expressive of his deep reverence for the pre eminent virtues and services of the deceased, James L. Pelligrue Esqr submitted the following Preamble and resolutions.

Death has removed from the sphere of his duties, John Marshall the Venerable Chief Justice of the United States, a Magistrate endeared to his Countrymen by a pure and spotless character distinguished by pre eminent abilities, and illustrious by his long and varied public services. The sympathy of a whole people attends the funeral of a public benefactor whose life conferred honor on his Country. But the law and the legal profession, of which he was the head and ornament, are more than all interested, and affected by this solemn event. His high Judicial Station was equally above envy and reproach and the honor of official dignity was enhanced and ennobled by his intrinsic worth and personal merit. Though his authority as Chief Justice of the United States was protracted far beyond the ordinary term of public life, no man dared to covet his place, or express a wish to see it filled by another. Even the Spirit of party respected the unsullied purity of the Judge, and the fame of the Chief Justice has justified the wisdom of the constitution,

dence of the Judiciary

While we bow with humble resignation to the inevitable doom of humanity, we may adore the goodness of providence, that spared his life so long to establish by the authority of his virtues and abilities, the character of that tribunal in which he presided. His fame is indissolubly connected with the administration of Justice, nor can virtuous emulations of future Judges aspire to a higher distinction, than to equal the wisdom and to copy the example of Marshall.

Resolved, That the members of the Charleston Bar, in the death of Chief Justice Marshall, deeply feel the privation which the community have sustained and will express their regret for his loss and respect for his memory, by wearing crape for thirty days.

The preamble and resolutions were seconded by Mitchell King Esqr in a feeling and eloquent address and unanimously adopted -

On motion of Joshua W. Toomer Esqr seconded by Mr Lance Esqr

Resolved, that the members of the Charleston Bar will co-operate with the Bar of the United States in any measure which may be deemed best adapted to the expression of their deep respect for the memory of this distinguished man -

On motion of George Warren Croft Esqr

Resolved that a copy of the foregoing resolutions be forwarded to the nearest relative of the deceased,

Thursday January 14 1830 Continued.

General of the United States at Washington with a request to present the same to the Judges of the Supreme Court of the United States at its next Session.— R. B. Gilchrist Secretary".

On motion first made to the court in this behalf by Mr Clay, it is ordered that J. J. Crittenden Esqr of the State of Kentucky be admitted to practice as an attorney and Counsellor of this court and he was sworn accordingly.—

Amos, Hannah, Mary & P. John A. & Emeline Barney heirs of Amos Barney dec'd Appts

vs

The Chesapeake & Ohio Canal Comp'y

4.

On appeal from the Circuit Court of the United States for the District of Columbia holden in and for the County of Washington.

On motion of Mr Key of Counsel for the appellees to which Mr Key of Counsel for the appellants assented. It is considered, ordered and decreed by this court that this appeal from the Circuit Court of the United States for the District of Columbia holden in and for the County of Washington be and the same is hereby dismissed.—

By Mr Justice Story Senior associate.

Thursday January 19 1837 Continued

The Mayor &c of New Orleans	Mr Attorney General of
10. vs Appellee.	Counsel for the appellee
The United States	moved the court to let

this cause remain open and lie over till such time as the court may be full - Whereupon the court not being now here sufficiently advised of and concerning what order to render in the premises It is considered and ordered by the court that said motion be held under advisement.

John McClanigan Val. pltff in E	This cause having been
22. vs	called for argument and
Comth Bank of Kentucky	the court being informed

that the same involves questions arising under the constitution of the United States - It is thereupon ordered by the court that this cause lie over for the present. -

Nathaniel P Benton Dist Atty &c	This cause having been
23. vs Appellee	called for argument
M. P McCarty Val	under the 38th rule of

this court and no counsel appearing - It is thereupon ordered by the court that said cause be and the same is hereby postponed to the foot of the docket -

Christopher Graham pltff in E.	In Error to the Court
24 vs	of Appeals of the State
Commonwealth Bank	of Kentucky -

Thursday January 11th 1838. Continued.

of Counsel for the plaintiff in Error stating that the matters in controversy in this cause had been agreed upon and settled between the parties. It is considered, ordered and adjudged by this Court that this writ of error to the Court of Appeals of the State of Kentucky be and the same is hereby dismissed. — Js. McKinley

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25. Sarah Boone &c. Appts
vs
William Chiles &c. —

On motion of Mr Clay of Counsel for the appellants in this cause leave is granted Miss Hardin & Underwood of Counsel for the appellees appointed. It is ordered by the Court that this cause be argued in connexion with No 47 on the Calendar of this Court between the same parties. —

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26. Joseph Lynch Jeff in &c
vs
Jarboe Hannage

This cause having been called for argument and the Court being informed that the same involves questions arising under the Constitution of the United States. It is thereupon ordered by the Court that this cause lie over for the present. —

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27. Johnson Pope Jeff in &c
vs
The State of Georgia —

This cause having been called for argument and the Court being informed that the same involves

United States. It is thereupon ordered by the Court that this cause lie over for the present. —

28. John McLearn Jul. Appt
vs
James McClellan Jul. —

On motion of Mr White of counsel for the appellant, It is ordered by the Court that this cause be submitted to the consideration of the Court on printed arguments. —

29. Lessee of Charles B. Scott Jul.
vs
Thomas Reid Jr. —

This cause having been called for argument under the 36th rule of this Court and no counsel appearing. It is thereupon ordered by the Court that said cause be and the same is hereby postponed to the foot of the docket. —

30. Lovick Ventress & Trs Appt
vs
John Clark's admor —

This cause having been called for argument under the 30th rule of this Court and no counsel appearing. It is thereupon ordered by the Court that said cause be and the same is hereby postponed to the foot of the docket.

31. Nilson & Elliot Plff
vs
Samuel Swartwout Deft

This cause having been called for argument under the 30th rule of this Court and no counsel appearing. —

Thursday January 14. 1836. Continued

and the same is hereby postponed to the foot of the docket.

Nathan Carr use &c Pltff vs Joseph Hoppin Deft	This cause having been called for argument under the 30th rule of this court and no counsel appearing. It is therefore ordered by the Court that said cause be and the same is hereby postponed to the foot of the docket.

32.

William H. Thayer use &c Pltff in Error vs Samuel Swartwout Deft	This cause was submitted to the consideration of the court on printed arguments on behalf of both plaintiff and defendant in Error

34

Proclamation being made the Court is adjourned until tomorrow morning at eleven oclock.

1836.

Friday January 15 1836.

Pursuant to adjournment the Court met this morning at the Capitol

Present

The Honorable Joseph Story, Senior Associate Justice

The Hon^ble | Smith Thompson, John McLean, Henry Baldwin, James M. Wayne | Associate Justices.

Alexander Hunter Esquire Marshal

William Thomas Carroll Clerk

Proclamation being made the Court is opened.-

On motion first made to the Court in this behalf by Mr Corwin - It is ordered that William Kinnon Esq^r of the State of Ohio be admitted to practise as an attorney and Counsellor of this Court and he was sworn accordingly.

10. The Mayor &c of New Orleans vs Appellants / The United States - Appellee

On consideration of the motion made in this cause yesterday by Mr Attorney General of Counsel for the appellee - It is now here ordered by the Court that said motion be and the same is hereby overruled and that this cause stand postponed to the foot of the docket under the 35^th rule of this Court.

Friday January 13. 1835. Continued.

William H. Tracy & John B. Balestier ...	Mr Attorney General of Counsel for the Defendant in Error in this cause
34 vs Joseph E Samuel Swartwout U.S.	Having filed a Suggestion of the death of John B. Balestier one of the plaintiffs in Error since the last continuance of this cause and an agreement of Counsel for both plaintiff and defendant in Error that the cause should be continued in the name of William H. Tracy the Survivor now here moved the Court that this cause stand in the docket of this court in the name of the Survivor On Consideration whereof It is now here ordered by the Court that this cause stand on the docket of this court in the name of the Survivor and that leave be and the same is hereby granted to William H. Tracy the Survivor to prosecute this writ of error in his name as Survivor

John Lanning's Lessee Plff	This cause having been
35 vs	called for argument
John Vaughn Defr	under the 36th rule of

This Court and no Counsel appearing to argue the same - It is now here ordered by the Court that this cause be and the same is hereby Postponed to the foot of the docket. -

Friday January 15 1836 Continued

Jesse Luckett v. Thompson 35. To Jeffries Eliza C. Haviland —	The argument of this cause was commenced by Mr Coxe for the plaintiff in Error continued by Messrs Bradley and Swann for the defendant in Error and concluded by Mr Coxe for the plaintiff in Error. —

Samuel L. Harrison Pltff 36. To Jesse D. Elliott U.S. —	The argument of this cause was commenced by Mr Read for the plaintiff. —

Proclamation being made the Court is adjourned until tomorrow morning at eleven oclock. —

Saturday January 10 1835.

Pursuant to adjournment the court met this morning at the Capitol -

Present

The Honble Joseph Story Senior Associate Justice

The Honble | Smith Thompson
John McLean
Henry Baldwin &
James M. Wayne | Associate Justices.

Alexander Hunter Esquire Marshal
William Thomas Carroll Clerk -

Proclamation being made the court is opened -

On motion first made to the court in this behalf by Mr Attorney General - It is ordered that John Erwin Esquire of the State of Alabama be admitted to practice as an attorney and counsellor of this court and he was sworn accordingly. -

36. Samuel L. Harrison &c. Plff in Error
vs
Lyne S. Elliot &c. Defts

The argument of this cause was continued by Mr Attorney General for the defendant and concluded by Mr Read for the Plaintiffs.

Saturday January 16. 1836. Continued.

Thomas Tolland vel &c Plff's 38. vs David Wilkinson &c	This cause having been called for argument under the 36th rule of this Court and no counsel appearing to argue the same. It is now here ordered by the Court that said cause be and the same is hereby postponed to the foot of the docket.

The United States, Plff's &c 39. vs David Ellis admr &c	This cause having been called for argument under the 36th rule of this court and no counsel appearing to argue the same. It is now here ordered by the Court that said cause be and the same is hereby postponed to the foot of the docket.

Curtis Ringe vel &c Plff's 40 vs Charles Binns vel &c	This cause having been called for argument under the 36th rule of this Court and no counsel appearing to argue the same. It is now here ordered by the Court that said cause be and the same is hereby postponed to the foot of the docket.

Samuel Spragg, Plff in &c 41. vs Bank of Mount Pleasant	This cause having been called for argument under the 36th rule of this Court and no Counsel appearing to argue the same. It is now here ordered by the court that said cause be and the same is hereby postponed to the foot of the docket.

Saturday January 16 1836 Continued

42.	John Vanhorn val Jeffers &c. vs Depsr of Bank United States.	This cause having been called for argument under the 36th rule of this court and no counsel appearing to argue the same. It is now here ordered by the court that said cause be and the same is hereby postponed to the foot of the docket.

43.	George W. Worland Jeffers vs Comth Bank of Kentucky	This cause having been called for argument and the court being informed that the same involves questions arising under the constitution of the United States. It is therefore ordered by the court that said cause lie over for the present.

44.	George W. Worland val Jeffers vs Comth Bank of Kentucky	This cause having been called for argument and the court being informed that the same involves questions arising under the constitution of the United States. It is therefore ordered by the court that said cause lie over for the present.

46.	James H. Davis adms Pltff vs Alexr Bradens Representatives.	This cause having been called for argument under the 36th rule of this court

Saturday January 16 1836 Continued.

to argue the same. It is now here ordered by the Court that said cause be and the same is hereby postponed to the foot of the docket.-

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Proclamation being made the Court is adjourned until Monday morning at eleven oclock.-

Monday January 18th 1836.

Pursuant to adjournment the Court met this morning at the Capitol -

Present

The Honorable Joseph Story, Senior Associate Justice

The Hon: Smith Thompson, John McLean, Henry Baldwin, James M. Wayne Associate Justices.

Alexander Hunter Esq: Marshal
William Thomas Carroll Clerk

Proclamation being made the Court is opened -

Thomas L. Owings vs. Jeffs in Er. vs. Luke Tiernan's Defrs

In Error to the Circuit Court of the United States for the District of Kentucky

Mr. Underwood of Counsel for the defendant in Error in this cause having filed and read in open Court certified copies of the writ of error, Citation and appeal bond in this case and the judgment of the said Circuit Court of the United States for the District of Kentucky rendered in said cause and having stated that the said plaintiffs in Error had failed to have their Transcript of the record of said cause filed with the Clerk and their cause placed upon the Calendar of this Court according to the rules thereof now here moved the Court to have said

of the 30th rule of this court which motion as aforesaid was opposed by Mr. Loughborough and Crittenden counsel for the plaintiffs in Error who stated that the transcript of the record of the cause had been lodged with the Clerk of this court the 24th of October 1835 who refused to file the record or docket the cause until the plaintiffs in Error had given the usual fee bond and in pursuance of the 37th rule of this court of January Term 1831 and that at the same time the Clerk gave to the said Mr. Loughborough counsel as aforesaid a blank fee bond which the plaintiffs in Error had not executed supposing that they had done all that was required by law of them to do and the said Counsel for the plaintiffs in Error now here moved the court to order said transcript to be filed and the cause to be docketed - On Consideration Whereof and after mature deliberation thereupon had - It is now here ordered by the court that the motion of Mr. Underwood to docket and dismiss be and the same is hereby overruled - and it is further considered and ordered by the court that the Motion of Mr. Loughborough and Crittenden to have the transcript filed and the cause docketed without the usual fee bond be and the same is hereby overruled - and it is further now here ordered by the court that upon the plaintiffs in Error giving to the Clerk the usual fee bond he the clerk shall file the transcript and docket the cause - and it is further now here ordered by the court that if the plaintiffs in error

Monday January 18th 1836 Continued.-

usual fee bond required by the 37th rule of this court of January Terms 1831 on or before the first day of March next ensuing this date that then and in that case the writ of error in this cause shall be dockelled and dismissed.-

"P. M. Chs. Key Chief Justice
Chs. Jos: Baldwin, dissenting"-

Jacob Hulse, Surv. of Chas. & Wetzell
21. vs. Appeal in Er.
Andrew L. Hepburn

In Error to the District Court of the United States for the Western District of Pennsylvania

This cause came on to be heard on the transcript of the record from the District Court of the United States for the Western District of Pennsylvania and was argued by Counsel- On consideration whereof, It is ordered and adjudged by this court that the judgment of the said District Court in this cause be and the same is hereby reversed and that this cause be and the same is hereby remanded to the said District Court with directions to that court to award a venire facias de novo.-

"P. M. Chs. Jos: Baldwin."-

Sarah Boone Adm. Appellt
25. vs.
William Chiles Adm

Mr. Underwood of Counsel for the appellees in this cause having

Monday January 18 1836 Continued

of Nicholas Smith one of the appellees since the last continuance of this cause and filed the appearance of Widow Nancy Smith and Catherine Ballenton late Catherine Smith John Smith Joseph Smith Nicholas Smith and Elizabeth Ann Smith heirs and representatives of said Nicholas Smith, deceased, now here moved the court for leave for said heirs and representatives to become parties to this appeal and to defend the same with their co-appellees — On consideration whereof. It is now here ordered by the Court that leave be and the same is hereby granted to the said Nancy Smith widow and Catherine Ballenton late Catherine Smith, John Smith Joseph Smith, Nicholas Smith & Elizabeth Ann Smith heirs and representatives of Nicholas Smith deceased to appear and they are hereby made parties and co-appellees with the right to defend this appeal

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47 William Childs Adm. appellt
v.
Isaac Bosse Adm —

Mr Underwood of Counsel for the appellants in this cause having suggested the death of Nicholas Smith one of the appellants since the last continuance of this cause and filed the appearance of Widow Nancy Smith, and Catherine Ballenton late Catherine Smith John Smith Joseph Smith, Nicholas Smith and Elizabeth Ann Smith heirs and representatives of said Nicholas Smith, deceased,

Monday January 18 1836. Continued.

and representatives to appear and become parties to and prosecute this appeal. On consideration whereof, It is now here ordered by the court that the said Nancy Smith widow, and Catherine Bellerton late Catherine Smith, John Smith, Joseph Smith, Nicholas Smith and Elizabeth Ann Smith heirs and representatives of said Nicholas Smith deceased be and they are hereby made parties and co-appellants with the right to prosecute this appeal

35. Sarah Boone &al. Appls
vs
William Chilton &al

The argument of this cause was commenced by Mr Clay for the appellants and con tinued by Messrs Underwood and Harris for the appellees.

47. William Chilton &al. Appls
vs
Sarah Boone &al

On consideration of the motion made in this cause at the last term of this court that on Monday the 9th of March A.D. 1835 be struck out and rescind the order docketing and dismissing this appeal and to reinstate the same on the Calendar of the court for argument. It is now here ordered by the court that said motion be and the same is hereby granted and that said cause be and the same is hereby reinstated on the Calendar

Monday January 18 1830 Continued.—

William Chilcoat
vs
Sarah Boone val

The argument of this cause was commenced by Mr Clay for the appellee and continued by Mr Underwood & Harden for the appellants.—

Proclamation being made the Court is adjourned until tomorrow morning at eleven Oclock.—

Tuesday January 19th 1836.

Pursuant to adjournment the Court met this morning at the Capitol -

Present

The Honorable Joseph Story		Senior Associate Justice
	Smith Thompson	
The Hon'ble	John McLean	Associate Justices
	Henry Baldwin &	
	James M. Wayne	

Alexander Hamilton Esquire Marshal
William Thomas Carroll Clerk

Proclamation being made the Court is opened

On motion first made to the Court in this behalf by Mr Peters. It is ordered that John Rankin Esquire of the State of Pennsylvania be admitted to practice as an Attorney and Counsellor of this Court and he was sworn accordingly

On motion first made to the Court in this behalf by Mr Underwood. It is ordered that Peter D. Lowe Esquire of the State of Ohio be admitted to practice as an Attorney and Counsellor of this Court and he was sworn accordingly -

Sarah Boone &c Appellants	The argument of this cause was continued by Mr Crittenden for the appellants. -
25 v	
William Childs &c	

1836.

Tuesday January 19 1836. Continued

	William Childs val appl'ts	The argument of this cause
47	vs	was concluded by Mr Crit-
	Sarah Boone val'x	tenden for the appellees.

	Benjamin I Gilmer pff in Er	This cause having been
48	vs	called for argument under
	Peter G. Rives	the 36th rule of this Court and

no counsel appearing to argue the same. It is now here ordered by the Court that said cause be and the same is hereby postponed to the foot of the docket.

	Thomas Ellicott Val pff in Er	This cause having been
49	vs	called for argument under
	William Peart	the 36th rule of this Court

and no counsel appearing to argue the same. It is now here ordered by the Court that said cause be and the same is hereby postponed to the foot of the docket.

	John Stevenson Val pff in Er	This cause having been
52	vs	called for argument under
	Jacob Keller val	the 36th rule of this Court

and no counsel appearing to argue the same. It is now here ordered by the Court that said cause be and the same is hereby postponed to the foot of the docket.

Tuesday January 19 1836. Continued.

M. B. Hayden. Pff in Er
53 vs
Francois Priad

This cause having been called for argument under the 36th rule of this Court and no counsel appearing to argue the same - It is now here ordered by the Court that said cause be and the same is hereby postponed to the foot of the docket. -

Eliza Brown. Pff &c
54 vs
William Y. Simmons Admr

This cause having been called for argument under the 36th rule of this Court and no counsel appearing to argue the same - It is now here ordered by the Court that said cause be and the same is hereby postponed to the foot of the docket. -

James McBride Pff in Er
55 vs
Estate of Mr Hoey —

This cause having been called for argument under the 36th rule of this Court and no counsel appearing to argue the same - It is now here ordered by the Court that said cause be and the same is hereby postponed to the foot of the docket -

Samuel B. Lee. Pff in Er
61 vs
Nathaniel Lichtenthal

This cause having been called for argument under the 36th rule of this Court and no counsel appearing to argue the same - It is now here ordered by the Court

Tuesday January 19 1836 Continued.

Lessee of Gabriel Swayze & wife 58. To Pff in Er: Robert Burke Def	This cause having been called for argument under the 36th rule of this Court and no Counsel appearing to argue the same - It is now here ordered by the Court that said cause be and the same is hereby postponed to the foot of the docket.
Lessee of Joseph Marlatt 66. To Pff in Er Thos Silk Def	This cause having been called for argument under the 36th rule of this Court and no Counsel appearing to argue the same. It is now here ordered by the Court that said cause be and the same is hereby postponed to the foot of the docket.
Joseph M Collingsworth 79 To Pff in Er Sarah Ann Allen Def	This cause having been called for argument under the 36th rule of this Court and no Counsel appearing to argue the same - It is now here ordered by the Court that said cause be and the same is hereby postponed to the foot of the docket -

Proclamation being made the Court is adjourned until tomorrow morning at eleven oclock. -

Wednesday January 20 1836.

Pursuant to adjournment the Court met this morning at the Capitol.

Present

The Honorable Joseph Story Junior Associate Justice
Smith Thompson
The Hon[ble] John McLean Associate Justices
Henry Baldwin &
James M. Wayne
Alexander Hunter Esquire Marshal
William Thomas Carroll Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr Websters It is ordered that John M. Clayton Esquire of the State of Delaware be admitted to practice as an Attorney and Counsellor of this Court and he was sworn accordingly.—

On motion first made to the Court in his behalf by Mr Shipley It is ordered that John Sergeant and Francis O. J. Smith Esquires of the State of Maine be admitted to practice as Attorneys and Counsellors of this Court and they were severally sworn accordingly.—

51

The United States ats
vs
Joseph M Hambleton and

This cause was argued by Mr Attorney [illegible] for the plaintiff a [illegible]

Wednesday January 20th 1836 Continued.

The United States Appt 30 v Stephen A Fairmayhall	This cause was argued by Mr Attorney General for the appellant and by Mr White for the appellee.-
The United States Appt 34 v Bernard Segui	This cause was argued by Mr Attorney General for the appellant and by Mr White for the appellee.-
The United States Appt 38 v Charles Seton	This cause was argued by Mr Attorney General for the appellant and by Mr White for the appellee.-
The United States Appt 39 v Benjamin Chairs Val	This cause was argued by Mr Attorney General for the appellant and by Mr White for the appellee.-
The United States Appt 60 v Charles F. Sibbald	This cause was argued by Mr Attorney General for the appellant and by Mr White for the appellee.-

Proclamation being made the court is adjourned until tomorrow morning at eleven o'clock.-

Thursday January 21 1836.

Pursuant to adjournment the court met this morning at the Capitol.

Present—

The Honorable Joseph Story Senior Associate Justice.
Smith Thompson
The Hon'ble John McLean Associate Justices.
Henry Baldwin
James M. Wayne

Alexander Hunter Esquire Marshal
William Thomas Carroll Clerk.

Proclamation being made the Court is opened

On motion first made to the Court in this behalf by Mr Swann. It is ordered that Lawrence W. Berry Esquire of the State of Virginia be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly—

1. Julia Soulard widow and James G. Kenny. & Eliza V. Benjamin A. Soulard heirs of Antoine Soulard dec'd — appl'ts
v
The United States. —

On appeal from the District Court of the United States for the District of Missouri.

This cause came on to be heard on the transcript of the record from the District Court of the United States for the District of Missouri and was argued by counsel.

On consideration whereof this Court doth order, adjudge

Thursday January 21. 1836. Continued.

the United States for the District of Missouri in this cause be and the same is hereby reversed, except as to such part or parts of the said land surveyed to the said Soulard pursuant to the Concession as have been sold by the United States before the filing of the petition in this case, as to which the decree of the said District Court is hereby affirmed - And this Court proceeding to render such decree as the said District Court ought to have rendered doth order, adjudge and decree that the title of the petitioners to all of the land embraced in the Concession and Survey set forth in the record which has not been sold by the United States is valid and the same is accordingly hereby confirmed to them agreeably to said Concession and Survey - And this Court doth further order, adjudge and decree that the Surveyor of public lands in the State of - Missouri shall cause the land specified therein and in this decree to be surveyed at the expense of the petitioners, and to do such other acts therein as are enjoined by law on such Surveyor - Also that such Surveyor shall certify on the plats and certificates of such Survey to be so made, what part or parts of the original Survey of such land, has been sold, as aforesaid by the United States together with the quantity thereof. Which being ascertained, the said petitioners their heirs & legal representatives, shall have the right to enter the same quantity of land as shall be so certified to have been so sold by the United States in any land office in the State of Missouri after the same shall have been offered for sale, which entry shall be made

Thursday January 21 1830. Continued.

William H. Tracy & Jeffn Co. vs Samuel Swartwout (N.S.)

34. This

In Error to the Circuit Court of the United States for the Southern District of New York.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the Southern District of New York and was argued by Counsel. On Consideration whereof It is ordered and adjudged by this Court that the judgment of the said Circuit Court in this cause be and the same is hereby reversed and that the cause be and the same is hereby remanded to the said Circuit Court for further proceedings to be had therein according to law and justice and in conformity to the opinion of this Court. — "Jn.o Jno. McLean."

Isabella Mackay, widow, and Wm Jones Mackay Reuben L Coleman and Lucy Eliza his wife Thos Swan and Catharine Mary his wife, George A Mackay, James B. Mackay, Jane L Mackay and Amelia A. Mackay minors by their mother and next friend the said Isabella Mackay Heirs of James Mackay dec.d Appts

vs

The United States. — . — .

On appeal from the Circuit Court of the United States for the District of Missouri

On motion of Mr Mallory Counsel of counsel for the appellees in which Mr White of counsel for the appellants agreed. It is now here considered

Thursday January 21 1836 Continued.

from the District Court of the United States for the District of Missouri be and the same is hereby dismissed with costs. —

Pr. Mr. Thos Story Senior Assocate

Joseph A Wheeny Mackey A Wheeny and Daniel B Wheeny heirs of Mackey Wheeny dcsd — Appellts

vs.

The United States — Appellee

On appeal from the District Court of the United States for the District of Missouri —

On motion of Mr Allen Genl of counsel for the appellee & Mr White of counsel for the appellants appeared. It is now here considered, adjudged and decreed by this court that this appeal from the District Court of the United States for the District of Missouri be and the same is hereby dismissed with costs. —

Pr. Mr Thos Story Senior Assocate

3d

The Columbian Insurance Company of Alexandria — Plffs in Er

vs.

Joseph W Laurence

Mr Swann of counsel for the defendant in Error in this cause having suggested the death of Joseph W Laurence the defendant in Error since the last continuance of this cause and filed a exemplification of the Clerk of the County Court of Stafford in the State of Virginia that letters of administration of the estate of the said Joseph W Laurence deceased had been granted Samuel C Smith to appear and defend this writ of error — On consideration whereof It is now here ordered by the Court that said Samuel C Smith

Thursday January 21 1830. Continued

deceased be and he is hereby made defendant in Error with right to defend this writ.

William King - Appt
vs
James White

This cause having been called for argument under the 36th rule of this Court and no counsel appearing to argue the same. It is now here ordered by the Court that this cause be and the same is hereby postponed to the foot of the docket.

Nelson & Elliott Appts
vs
Samuels Swartwout Exr &c

The argument of this cause was commenced by Mr Ogden for the plaintiffs in Error and by Mr Attorney General for the defendant and concluded by Mr Ogden for the plaintiffs

Proclamation being made the Court is adjourned until tomorrow morning at eleven o'clock.

1836.

Friday January 22 1836.

Pursuant to adjournment the Court met this morning at the Capitol

Present

The Honorable Joseph Story Henry Baldwin Smith Thompson } Associate Justices
The Honble John McLean
Gabriel Duvall
James M. Wayne

Alexander Hunter Esquire Marshal
William Thomas Carroll Clerk

Proclamation being made the Court is opened

On motion first made to the Court in this behalf by Mr Attorney General. It is ordered that Timothy B. Jewell Esquire of the State of New York be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.—

10. The Mayor &c of New Orleans vs. The United States. — Appellee

The argument of this cause was commenced by Mr Webster for the appellants and continued by Mr Attorney General for the appellee.—

Proclamation being made the Court is adjourned until tomorrow morning at eleven o'clock.—

Saturday January 23 1836.

Pursuant to adjournment the Court met this morning at the Capitol.—

Present—

The Honorable Joseph Story Senior Associate Justice
Smith Thompson
The Hon'ble John McLean Associate Justices
Henry Baldwin
James M. Wayne
Alexander Hunter Esquire Marshal
William Thomas Carroll Clerk—

Proclamation being made the Court is opened.—

On motion first made to the Court in this behalf by Mr. Whittlesey. It is ordered that Emanuel Howe Esquire of the State of Ohio be admitted to practice as an Attorney and Counsellor of this Court and he was sworn accordingly.—

Samuel L. Harris Richard L. Harris, Charles Harris Henry Harris, Mary Harris, Charlotte Harris, Amelia Augusta Harris, Thomas Harris, John Harris, Henry Coleman and Mary his wife in her right— Pltffs—

36. v.

Jesse L. Elliott— / M.S. /.

On a certificate of division in opinion between the Judges of the Circuit Court of the United States for the District of

Saturday January 23 1836 Continued.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of Massachusetts and on the points and on the points and questions on which the Judges of the said Circuit Court were opposed in opinion and which were certified to this court for its opinion agreeably to the act of Congress in such case made and provided and was argued by counsel on consideration whereof It is the opinion of this court on the first question so certified as aforesaid that the soil and freehold of Hawley or meeting house Street and of Bulfinch or Water Street are not pass under and by virtue of the term appurtenances used by the jury in their verdict nor was there any thing in the description of Lots one and three in the verdict of the jury that passed the soil and freehold of the said Streets to the United States.

2. On the second point it is the opinion of this court that the right of the plaintiffs to recover the soil and freehold of the said Streets is not barred by the limitations contained in the Statute of October 30th 1781 as set forth in the record.—

3. On the third point it is the opinion of this Court that upon the discontinuance of a highway in Massachusetts, by the public, the soil and freehold of such highway reverts to the owner of the land taken for such highway.—

4. On the fourth question no specific point being stated this court can express no opinion as it has been repeatedly ruled in this court that the whole

Saturday January 23 1836. Continued.

of Congress of 1802 upon such a general question Whereupon it is ordered and adjudged by the court that it be so certified to the said Circuit Court. — "P. M. Tho. Thompson"

The Heirs of Ewd Tucker &
Richard Thompson Jr. Pltffs.
vs
Elijah F. Moulton — Defdt.

In Error to the Circuit Court of the United States for the District of Columbia holden in and for the County of Washington

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of Columbia holden in and for the County of Washington and was argued by counsel On consideration whereof It is ordered and adjudged by this court that the judgment of the said Circuit Court in this cause be and the same is hereby affirmed with costs. "P. M. Tho. Story Justice of Supreme"

Richard Thornton
Garnishee &c Pltff in Er
vs
John Randel Jr. Defdt

Mr Webster of counsel for the defendant in error moved the Court to dismiss this writ of error for want of jurisdiction which motion was argued by Messrs Webster & Clayton in support thereof and by Mr Jones in opposition thereto Whereupon this court not being now here sufficiently advised of and concerning what order to make in the

Saturday January 23 1836 Continued.

Thomas P. Crowell, Garnishee

vs.

John Randel Jr.

Mr Webster of counsel for the defendant in error moved the court to dismiss the writ of error for the want of jurisdiction which motion was argued by Messrs Webster and Clayton in support thereof, and by Mr Sergeant in opposition thereto. Whereupon this court not being now here sufficiently advised of and concerning what order to make in the premises doth time to consider

proclamation being made the court is adjourned until monday morning at eleven oclock.

Monday January 25 1836.

Pursuant to adjournment the court met this morning at the Capitol.

Present

The Honorable Joseph Story — Associate Justice
Smith Thompson
The Hon'ble John McLean — Associate Justices
Henry Baldwin
James M. Wayne

Alexander Hamilton Esquire Marshal
William Thomas Carroll Clerk

Proclamation being made the court is opened

On motion first made to the court in the behalf by Mr Ogden. It is ordered by the court that A. W. Thom Esquire of the State of New York be admitted to practice as an attorney and Counsellor of this court and he was sworn accordingly

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77. Richard Shoemaker, garnishee &c. — Plff in Er
vs
John Randel Jr.

The motion to dismiss this writ of error was further argued by Mr Sergeant in opposition thereto and by Mr Clayton in support of the same

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75. Thomas P Cromwell, garnishee &c. — Plff in Er.
vs
John Randel Jr.

The motion to dismiss this writ of error was further argued by Mr Sergeant in opposition thereto and by Mr Clayton in

Monday January 25 1836 Continued

The State of Maryland Complt
&
The Commonwealth of Virginia

Bill in Equity

On motion of Mr Bayly solicitor for the Complainant it is now here ordered and ordered by the Court that the Bill in this cause be and the same is hereby dismissed with cost

Wm. W. Hs Story Senior Assocate

The Mayor &c of New Orleans 1865
10 vs
The United States

The argument of this cause was continued by Mr Attorney General for the opposition

Proclamation being made the Court is adjourned until tomorrow morning at eleven o'clock.

Tuesday January 26 1830.

Pursuant to adjournment the Court met this morning at the Capitol

Present

The Honorable Joseph Story Senior Associate Justice
Smith Thompson
The Hon'ble John McLean Associate Justice
Henry Baldwin
James M. Wayne
Alexander Hunter Esquire Marshal
William Thomas Carroll Clerk

Proclamation being made the Court is opened

On motion first made to the Court on the behalf by Mr Coxe It is ordered that Thomas Swann Esquire of the District of Columbia be admitted to practice as an Attorney and Counsellor of this Court and he was sworn accordingly

The Mayor &c of New Orleans
vs
The United States
} Appeals

The argument of this cause was concluded by Mr Livingston for the Appellants

Proclamation being made the Court is adjourned until tomorrow morning at eleven o'clock

Wednesday January 27 1836.

Pursuant to adjournment the court met this morning at the Capitol

Present

The Honorable Joseph Story Senior Associate Justice.
Smith Thompson
The Hon'ble John McLean Associate Justices
Henry Baldwin
James M. Wayne

Alexander Hunter Esquire Marshal
William Thomas Carroll Clerk

Proclamation being made the court is opened

On motion first made to the court in this behalf by Mr Ogden. It is ordered that A Stevenson Alexander Esquire of the State of New York be admitted to practice as an attorney and counsellor of this court and he was sworn accordingly

On motion first made to the court in this behalf by Mr Butler. It is ordered that Samuel H Blake Esquire of the State of Maine be admitted to practice as an attorney and counsellor of this court and he was sworn accordingly

13. Upon motion of Mr Butler and for the reasons set forth in the affidavit of Mr Butler

William Turner vs

It is ordered by the court that the Marshal of the United States for the District of Ohio be and he is hereby commanded to take the body of the said William Turner if to be found within his district and him safely keep so that he may have his body before the Judges of the Supreme Court of the United States at the Capitol in the City of Washington on the second Monday of December next to answer unto the United States in a plea of debt and also to answer unto such bill as shall be exhibited against him by the said United States and that bail be taken in the sum of Two thousand dollars

On motion of Mr Key of counsel for the Plaintiff. It is ordered by the court that this cause be and the same is hereby continued to the

Wednesday January 27 1832 Continued.

Alphonso Wetmore plff in Err
vs
The United States —

The argument of this cause was commenced by Mr Lowe for the plff in Error continued by Mr Attorney Grundy for the defendt in error and concluded by Mr Lowe for the plaintiff in error

The United States plff in Er.
vs
The heirs of Peter L. B. Duplessis Soliers —

On Error to the Circuit Court of the United States for the Eastern District of Louisiana.

On Motion of Mr Porter of Counsel for the defendants in Error to which Mr Attorney Grundy in behalf of the plaintiff in Error assented. It is now ordered and adjudged by this Court that this writ of error to the District Court of the United States for the Eastern District of Louisiana be and the same is hereby dismissed. — per Mr Thos Key Clerk pro tem

Samuel B. Hobart val. appltt
vs
Andrew Morgan val —

The argument of this cause was commenced by Mr Ogden for the appellant

Proclamation being made the Court is adjourned until tomorrow morning at eleven o'clock.

1820.

Thursday January 28th 1836.

Pursuant to adjournment the Court met this morning at the Capitol

Present

The Honorable Joseph Story Senior associate Justice
Smith Thompson
The Hon'ble Wm M'Lean associate Justices
Henry Baldwin
James M M'Kinley

Alexander Hunter Esquire Marshal
William Thos Carroll Clerk

Proclamation being made the Court is opened

Richard Thornton, Executor of the Chesapeake and Delaware Canal Company - Appellants
vs
John Randel Jr —

In Error to the Superior Court of the State of Delaware

On consideration of the motion made in this cause on the 11th first day of the present Term of this Court, that on Saturday the 23d day of January by Mr Webster & Clayton of Counsel for the defendant in error to dismiss this writ of error for the want of jurisdiction, and of the arguments of counsel as well for the plaintiff as for the defendant in error thereupon had - It is now ordered and adjudged by this Court that this writ of error to the Superior Court of the State of Delaware be and the same is hereby dismissed for the want of jurisdiction —

"per Mr Justice Story, Senior associate Justice"

Thursday January 28th 1836 Continued

Thomas P. Cromwell Garnishee of the Chesapeake & Delaware Canal Company - Pltffs in Error

78. vs

John Randall Dft

In Error to the Superior Court of the State of Delaware

On consideration of the motion made in this cause on a prior day of the present term of this Court viz. on Saturday the 23d day of January by Mr. Wilson and Clayton of Counsel for the defendant in error to dismiss the writ of error for the want of jurisdiction and of the arguments of Counsel as well for the Pltffs as for the defendant in error thereupon had & now here argued and adjudged by the Court that this writ of error to the Superior Court of the State of Delaware be and the same is hereby dismissed for the want of jurisdiction — Pr. Mr. Chief Justice Taney

Samuel B. Hebard & al appts

15 vs

Andrew Bryan & al Respts

The argument of this cause was continued on the motion of Mr. Southard for the appellees and concluded by Mr. Bryan for the appellant

Harriet E. Hook & al Pltffs in Error

14 vs

John Sinton, Curator &c Defts

Mr. Porter of Counsel for the appellees having suggested the death of John Sinton since the last continuance of this cause and filed the appearance of Stephen Duncan Executor of the last will

Thursday January 28th 1836. Continued

moved the court for leave to the said Stephen Duncan Executor as aforesaid to appear and defend this appeal. On consideration whereof it is now here ordered by the court that the said Stephen Duncan Executor of the last will and testament of John Sinton deceased have leave to appear and defend this appeal.

Harriet & Hook Vs. ejectment

18. "

Stephen Duncan Executor of John Sinton Exhibits &c——

The argument of this cause was commenced by Mr Leigh for the appellees

Whereupon the Court is adjourned until tomorrow morning at eleven oclock

Friday January 29th 1836.

Pursuant to adjournment the court met this morning at the Capitol

Present

The Honorable Joseph Story Senior associate Justice
of the Supreme
The Honble John McLean Associate Justices
Henry Baldwin
James M. Wayne
Alexander Hunter Esquire Marshal
William Thomas Carroll Clerk

Proclamation being made the court is opened

On motion first made to the court in this behalf by Mr Crittenden - It is ordered that James Hartley Esquire of the State of Kentucky be admitted to practice as an attorney and counsellor of this court and he was sworn accordingly

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Harriet E Hook val. appts
vs
Stephen Duncan Exor of
John Pintard, Curator &c

The argument of this cause was concluded by Mr Porter for the appellees

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Nicholas Wilson & his assignees
vs
The Life & Fire Ins. Co. of New York

This cause having been called for argument under the 35th rule of this court and no counsel appearing to argue the same

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Friday January 29th 1830 Continued

be and the same is hereby postponed to the foot of the docket. —

Thomas C. P. Bouton appellt
vs
Abm. V. Worthington & al's

This cause having been called for argument under the 35th rule of this court and no counsel appearing to argue the same - It is now here ordered by the court that this cause be and the same is hereby postponed to the foot of the docket.

Estate of Chas C. Scott &c. pltffs in error
vs
Thomas Reid Jr. —

This cause having been called for argument under the 35th rule of this court and no counsel appearing to argue the same - It is now here ordered by the court that this cause be and the same is hereby postponed to the foot of the docket.

Enoch Ventress &c. pltffs in error
vs
John Clark's admr

The argument of this cause was commenced by Mr Jones for the plaintiff in error, continued by Mr Key for the defendant in Error and concluded by Mr Jones for the plaintiff in Error. —

Proclamation being made the court is adjourned until tomorrow morning at eleven oclock. —

Saturday January 30th 1830.

Pursuant to adjournment the Court met this morning at the Capitol.

Present

The Honorable Joseph Story Senior Associate Justice
Smith Thompson
The Chief Justice John McLean Associate Justices
Henry Baldwin
James M. Wayne
Alexander Hamilton Esquire Marshal
William Thomas Carroll Clerk

Proclamation being made the Court is opened -

On motion first made to the Court in this behalf by Mr Butler - It is ordered that Richard French Esq. of the State of Kentucky be admitted to practice as an Attorney and Counsellor of this Court and he was sworn accordingly -

Harriet E. Hooke, William B. Hooke, James F. Hooke Richard B. Hooke and Moses A. Hooke, minors by John F. Carmichael their Curator ad litem - Appellants

18. vs

Stephen Duncan Executor of John Linton deceased Curator of the Estate of F. A. Browder deceased.

On appeal from the District Court of the United States for the Eastern District of Louisiana

Mess. Porter and Leigh of Counsel for the Appellants move

Saturday January 30th 1836 Continued —

Situation whereof It is now here adjudged and decreed by this court that the appeals from the District Court of the United States for the Eastern District of Louisiana be and the same is hereby dismissed —

"Jos. McKee. Mony. Senior Associate"

32. Nathan Carr vs. Appts
to
Joseph Hopkins —

This cause having been called for argument under the 36th rule of this court and no counsel appearing to argue the same. It is now here ordered by the court that this cause be and the same is hereby postponed to the foot of the docket. —

33. John Canning's Exrs. Appts
to
John Vaughn vs.

This cause having been called for argument under the 36th rule of this court and no counsel appearing to argue the same It is now here ordered by the court that this cause be and the same is hereby postponed to the foot of the docket. —

38. Thomas Leland vs. Appts
to
David Wilkinson

This cause having been called for argument under the 36th rule of this court and no counsel appearing to argue the same. It is now here ordered by the court that this cause be and the same is hereby postponed to the foot of the docket. —

Saturday January 30th 1830. Continued.

Burtis Ringo val- appts
v.
Charles Binns val

40.

The argument of this cause was commenced by Mr French for the appellants continued by Messrs Summers & Doge for the appellees and concluded by Mr Underwood for the appellants.

Proclamation being made the court is adjourned until Monday morning at eleven oclock -

Monday February 1 1836.

Pursuant to adjournment the court met this morning at the Capitol

Present

The Honorable Joseph Story, Senior Associate Justice
Smith Thompson
The Hon'ble John McLean Associate Justices
Henry Baldwin
James M Wayne

Alexander Hunter Esquire Marshal
William Thomas Carroll Clerk.

Proclamation being made the court is opened.

Nelson J. Elliott - plff in Error
vs
Samuel Pomeroy Def.t

On a certificate of division in opinion between the Judges of the Circuit Court of the United States for the Southern District of New York.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the Southern District of New York and on the questions on which the Judges of the said Circuit Court were opposed in opinion and which were certified to this court for its opinion agreeably to the act of Congress in such case made and provided and was argued by counsel, On consideration whereof, it is the opinion of this court on the first question that the said Shawls and suspenders were not a manufacture of wool or of which wool was

Monday February 1 1830. Continued.

other manufactures of wool or of which wool is a component part" in the second article of the second section of the act of Congress of 14th July 1832.—

On the second question it is the opinion of this court that under the facts as stated in the said second question the Collector is not personally liable.—

On the third question it is the opinion of this court that the Collector under the circumstances as stated in the said question, is liable to an action to recover back an excess of duties paid to him as collector although he may have paid over the money into the Treasury. Whereupon it is ordered and adjudged by this court to be so certified to the said Circuit Court of the United States for the Southern District of New York. — "P. M. Hw. Thompson"

The Columbian Insurance Company of Alexandria
vs
Joseph W. Laurence's admrs

The argument of this cause was commenced by Mr. Jones for the plaintiff in Error and continued by Mr. Berry for the Defendant in Error.

Proclamation being made the Court is adjourned until tomorrow morning at eleven Oclock.—

Tuesday February 2d 1836.

Pursuant to adjournment the Court met this morning at the Capitol.

Present

The Honorable Joseph Story, Senior Associate Justice.
Smith Thompson
The Hon'ble John McLean Associate Justices.
Henry Baldwin &
James M Wayne

Alexander Hunter Esq: Marshal - William Thomas Carroll, Clerk -

Proclamation being made the Court is opened. -

The United States plff in Er. In Error to the District Court
of the United States for the
Eastern District of Louisiana.
This cause came on to be
heard on the transcript of
the record from the District Court of the United States
for the Eastern District of Louisiana and was argued by
Counsel. On consideration whereof, It is ordered and
adjudged by this Court that the Judgment of the said
District Court in this cause be and the same is hereby
reversed and that this cause be and the same is hereby
remanded to the said District Court with directions to
award a venire facias de novo. -

"J! M. Wm. M Wayne"

31
vs
The Representatives of Joseph
C. Hawkins deceased Def

Tuesday February 2d 1836 Continued.

Tunnel B. Hobart, William H. Robertson, Charles Babe
Adolphus Babe, Robert E. Coube, William Barnwell
Louis X. Hunter, and Charles G. Hazard, Claimants of
the Brig Hope and Cargo- Appts

15. vs

Andrew Morgan, James Boyles, Harry Curtis, and
Robert Bruce. Libellants and Appellees.

On appeal from the District Court of
the United States for the Southern District of Alabama

This cause came on to be heard on the transcript of
the record from the District Court of the United States
for the Southern District of Alabama and was argued
by Counsel. On Consideration whereof, It is ordered
and decreed by this Court that the decree of the said
District Court in this cause be and the same is hereby
affirmed with costs and damages at the rate of Six
per centum per annum on the amount decreed by
the said District Court as Salvage

"J. McKinley Senior Appellate"

The Columbian Insurance
Comp'y of Alexandria Plff in Er
37. vs
Joseph W. Lawrence's adm'rs

The argument of this cause
was continued by Messrs
Berry and Swann for the
Defendant in Error.

Proclamation being made the Court is adjourned
until tomorrow morning at eleven o'clock.

Wednesday February 3 1836.

Pursuant to adjournment the court met this morning at the Capitol —

Present

The Honble Joseph Story Senr Associate Justice

The Honble | Smith Thompson
John McLean
Henry Baldwin &
James M. Wayne | Associate Justices. —

Alexander Hunter Esquire Marshal
William Thomas Carroll Clerk

Proclamation being made the Court is opened. —

On motion first made to the court in this behalf by Mr Butler. It is ordered that Wm Seymour Esquire of the State of New York be admitted to practice as an attorney and counsellor of this court and he was sworn accordingly. —

Sarah Boone, Lincoln Boone, Richard Boone, Rebecca Boone Jeremiah Boone, Daniel Boone, Mary Ann Boone, William Boone and Thomas Boone heirs of Thomas Boone decd — Appts

25. vs

William Childs Jacob Smelzer and Nancy Smith widow and Catherine Ballenton late Catherine Smith, John Smith Joseph Smith Nicholas Smith and Elizabeth Ann Smith heirs and representatives of Nicholas Smith decd Jacob Smelt, America Cummins, Caroline Cummins, Joseph Steele,

Wednesday February 3 1830. Continued.

and Celia his wife, late Celia Hoy, Hugh Brown, John Ewart, Joseph Kemp & Elenor and Mary Jane Blevins his wife late Mary Jane Boyle Peyton Jun. Boyle Martin R. Boyle and Sophia R. Boyle John Scott Thomas Scott Margaret South, Elgiva South, David Hudson, Amos Parker, Moses Sanders James Dixon Aaron Rogers Josiah Boone and Hezekiah Boone -

On appeal from the Circuit Court of the United States for the District of Kentucky -

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of Kentucky and was argued by counsel. On consideration Whereof, It is ordered adjudged and decreed by this court that so much of the decree of the Circuit Court, as directs the defendant Chiles to convey to the Complainants, all his right title and interest to and in the premises named in the bill and to deliver up to the Clerk of said court to be cancelled, the contract between said Miles Hezekiah and Peyton Boone therein referred to. Also so much thereof as orders Jones and Tanny Hoy to convey all their interest in the premises derived from William Hoy, and so much of said decree as directs that if the conveyances so directed shall not be made as ordered the Clerk of said Circuit Court shall convey to the Complainants the interest of the said parties as by said court decreed, and so much of said decree, as orders the defendant Chiles to pay the costs of the suit with the exception there stated. Also so much of said decree

Wednesday February 3d 1836. Continued.

to be prejudiced by the decree aforesaid as against any of the heirs of William Kay who are not parties to this suit. and so much of said decree, as directs the bill of complainants to be dismissed as to the land held by John Emmett within the bounds of St Louis's Salient, be and the same is hereby affirmed in all things, excepting that part of said decree, which exempts from the deed to be executed by William Chiles the interest which he holds under a deed from Green Clay. as to which the said decree is reversed and annulled.

And as to the rest and residue of said decree of the Circuit Court. the same is hereby reversed and annulled, and this court proceeding to render such decree as the said Circuit Court ought to have rendered. doth further order adjudge and decree. that the said William do and shall within six months from this time convey to the complainants, in the manner prescribed in said decree as to the land therein directed to be conveyed by him, all his right title and interest, held or claimed under the deed or conveyance from Green Clay to said Chiles. That the said Chiles do and shall within the same time, assign transfer and make over, any contract or agreement made between him and any other persons, in relation to the land in controversy in this suit whereby any right accrued to or was promised or agreed to be to him, to any part of said land or any money arising or to arise from any sale or sales thereof. and in like manner to transfer assign and make over all such rights to said complainants. That the said William Chiles do also account to and with the complainants

he may at any time have received from any person or persons on or by virtue of the sale of any part or parts thereof, also that he account and with the Complainants for any rents or profits which he may have enjoyed or received on or from such land embraced in the patent to Kay under the direction of said Circuit Court.

That a Surveyor be appointed by said Court do under their directions ascertain the quantity of land claimed by the several defendants in this suit except William Childs on the Western side of the Pecuny in Penny right designated on the plat of Surveyor dated 2d October 1831 by the letters A. B. I. M. I K. M. E. & A excluding therefrom all the land within the lines of Flournoy's patent and return a plat thereof to said Court.

That the bill of the Complainants be dismissed as to all the land claimed by any defendant east of the lines on said plat designated by letters E. M. K I M I that bill be dismissed as to the land purchased by Nicholas Smith from Jones lying within the line of Flournoy's patent marked on the Surveyors plat in page 66 of the printed record by the letters I M A O. That possession be awarded to the Complainants by the several defendants of the land claimed or held by them respectively within the lines first herein referred to as marked on the plat dated 2d October 1831 and without Flournoys line which has not been purchased from, or held under South or

under them or either of them, in virtue of any contract or agreement with them or either, by or under whose right claim or profession any of said defendants claim or hold any part or parts of said land. —
That the Surveyor to be appointed, do and shall ascertain the quantity of land, now claimed or held by any of the defendants mediate or immediately, by from through or under South or Chiles or in virtue of any right asserted or claimed by them or either as aforesaid, designating specially the quantity claimed or held by each defendant, or each class of claimants, under any one person accordingly as they may hold or claim in severalty or in common between themselves and return separate plats thereof to said Circuit Court. Whereupon such of the Claimants as are under no legal disability shall within such time as the said Court shall direct make execute and in due form of law acknowledge and deliver to the said defendants respectively deeds of general warranty in fee, for the land described in such plats as said defendants complying with the decree as herein after mentioned and that such of the Complainants as may at such time be under any legal disability to make such deeds, shall within six months from the removal of such disability make execute acknowledge and deliver such deeds to the defendants their heirs and assigns or that the said Circuit Court as to authority by law may order and direct, that such deed or deeds shall be made by such Commissioner as they may

Wednesday February 3d 1830 Continued.

complainants last mentioned. That the said defendants severally, or each clas thereof as aforesaid for themselves jointly as they may claim or hold do pay to the Complainants for the land conveyed by them, at the rate and on the terms stated in the joint answer of the defendants Smith, Ten dollars for each and every of the four hundred acres purchased by Peter Smeltzer, and the two hundred acres purchased by Nicholas Smith from John Fouts, to be paid in three equal annual instalments, counting from the agreement with Childs aforesaid to be 1 December 1817 — That the heirs of Nicholas Smith or the defendants who claim or hold under him or his heirs do pay to the Complainants at the same rate, and on the same terms for the sixty or seventy acres aforesaid purchased by said Smith from Smith which said Complainants shall convey as aforesaid to the defendant or defendants in fee simple therefor under Nicholas Smith. —

That the amount so to be paid by each defendant or clas of defendants bear interest from the time the instalments are payable respectively, till the time directed by the Circuit Court, at which the Complainants are to make the deeds as aforesaid; each defendant or clas to be liable only for the sum due by themselves, and not for any sum due by other defendants. That when the said deeds shall be so executed and delivered the sum due by each defendant or clas, principal and interest, shall

Wednesday February 3d 1836. Continued

one year from the delivery of the deed, one third in two years, and one third in three years, with interest from the time they are payable. —

That the several sums to payable be paid into said Court, or to such person or persons as said court by their decree shall order and direct, and on such terms and conditions as to them shall seem just and equitable. — That the defendants severally and respectively, do under the direction of said Court account to and with each other for any monies received by one from the other, or any person or persons under whom they claim or have claimed, for or on account of any purchase money of any part or parts of the land now or at any time held or claimed by them or any of them under and in virtue of any purchase under the title of Searcy. That such of the heirs of William Hoy, as have answered the bill of Complainants do convey to them in the manner directed in the decree of the Circuit Court as to Jones and Fanny Hoy, all their right title and interest, in the land contained within the lines of the plat first herein referred to, being the Western part of the Searcy aforesaid in right of Searcy. In default of making such conveyance as is herein directed to be made by any of the defendants in this case, then this court doth further order and direct that a conveyance of the right and title, interest and claim in and to the land in controversy, held or claimed by such defendants, be conveyed to the complainants by a commissioner to be by the said Circuit Court appointed

Wednesday February 3rd 1836. Continued.

that the bill of complainants be dismissed, as to the heirs of George Boone, Hezekiah Boone and the heirs of Smith with costs.

And it is further ordered adjudged and decreed, that all the equity of the complainants as to any person or persons not parties to the suit as to any matter or thing not herein decreed or, shall be and is hereby reserved to the said Complainants, any thing herein contained in this decree notwithstanding; and that this cause be and remanded to the Circuit Court for the District of Kentucky, with instructions to proceed therein according to this decree, and as to justice and equity shall appertain — "Jos. McLean Baldwin

"McLean, dissenting."—

William Chiles, Jacob Smellzer and Lucy Smith minor and Catherine Batterton late Catherine Smith, John Smith, Joseph Smith, Nicholas Smith and Elizabeth Ann Smith heirs and representatives of Nicholas Smith deceased, Jacob Smith, American Cummins, Lucretia Cummins, Joseph Steele, Mariam Steele, Jones Hoy Fanny Hoy, John Newland, and Celia his wife late Celia Hoy Hugh Brown, John Crawl, Joseph Henry Bledsoe and Mary Jane Bledsoe his wife, late Mary Jane Baylor, George Ann Baylor Walker K Baylor and Sophia Baylor, John Smith Thomas D Smith, Margaret Smith, Elizia Smith, David Hunsaker, James Baker, Moses Hunsaker, James Enoin, Adam Rogers

Wednesday February 3d 1835 Continued.

47. against—

Isaac Boone, Lincoln Boone Richard Boone Rebecca Boone Jeremiah Boone, Daniel Boone, Mary Ann Boone, William Boone and Thomas Boone heirs of Thomas Boone, deceased —

On appeal from the Circuit Court of the United States for the District of Kentucky.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of Kentucky and was argued by counsel, On consideration whereof, It is ordered adjudged and decreed by this Court that so much of the decree of the Circuit Court, as directs the defendant Chiles to convey to the complainants all his right title and interest to and in the premises named in the bill and to deliver up to the Clerk of said Court to be cancelled, the contract between said Chiles, Hazelrigg and George Boone therein referred to- also so much thereof as orders Jones and Henry Hoy to convey all their interest in the premises derived from William Hoy, and so much of said decree as directs, that if the conveyances so directed shall not be made as ordered, the Clerk of the said Circuit Court shall convey to the complainants the interest of the said parties as by said Court decreed, and so much of said decree, as orders the defendant Chiles to pay the costs of the suit with the exception there stated. Also so much of the said decree, as declares that the claim of the complainants is not to

Wednesday February 3d 1836. Continued -

of the heirs of William Hoy who are not parties to this suit, and so much of said decree, as directs the bill of complainants to be dismissed as to the land held by John Ernault within the bounds of Flournoys patent be and the same is hereby affirmed in all things, excepting that part of said decree which credits from the rent to be received by William Chiles, the interest which he holds under a deed from Green Coleby, as to which the said decree is reversed and annulled - And as to the rest and residue of said decree of the Circuit Court, the same is hereby reversed and annulled; and this court proceeding to render such decree, as the said Circuit Court ought to have rendered doth further ordain adjudge and decree - That the said William do and shall within six months from this time, convey to the complainants, in the manner specified in said decree as to the land therein directed to be conveyed by him, all his right title and interest, held or claimed under the deed or conveyance from Green Coleby to the said Chiles. That the said Chiles do and shall within the same time, assign transfer and make over any contract or agreement made between him and any other persons in relation to the land in controversy in this suit, whereby any right accrued to, or was promised or agreed to be to him, to any part of said land, or any money arising or to arise from any sale or sales thereof - and in likemanner to transfer assign and

Wednesday February 3d 1836. Continued.

That the said William Childs, do also account to and with the Complainants for any money he may at any time have received from any person or persons, on or by means of the sale of any part or parts thereof, also that he account to and with the Complainants, for any rents or profits which he may have enjoyed or received in or from said land embraced in the patent to Hoy. under the direction of said Circuit Court. —

That a Surveyor to be appointed by said court do under their directions ascertain the quantity of land claimed by the several defendants in this suit, except William Childs, on the western side of the Survey in Searcy right designated on the plat of the Surveyor dated 2d October 1831, by the letters A. D. X. M. I K. M. E & A. excluding thereon all the land within the lines of Flournoy's patent and return a plat thereof to said Court. — That the bill of the Complainants be dismissed as to all the land claimed by any defendant east of the lines on said plat designated by letters E. M. K. L. M. I. That their bill be dismissed, as to all the land purchased by Nicholas Smith from Jones, lying within the line of Flournoy's patent marked on the Surveyors plat in page 88 of the printed record by letters L. M. N. O. —

That possession be awarded to the Complainants, by the several defendants, of the land claimed or held by them respectively within the lines herein referred to, as marked on the plat dated 2d October 1831. and without Flournoys line which has not been purchased from, or held under South or Childs a by any person or persons

of any contract or agreement with them or either by or under whose right, claim or possession any of said defendants claim or hold any part or parts of said land.- That the Surveyor so to be appointed do and shall ascertain the quantity of land now claimed or held by any of the defendants mediately or immediately by from through or under South or Chiles, or in virtue of any right asserted or claimed by them or either as aforesaid, assigning specially the quantity claimed or held by each defendant, or each class of Claimants, under any one person according as they may hold a claim in severalty, or in common between themselves and return separate thereof to said Circuit Court- Whereupon such of the Complainants as are under no legal disability, shall within such time as the said Court shall direct, make execute and in due form of law acknowledge and deliver to the said defendants respectively deeds of general warranty in fee, for the land described in such plats or said defendants complying with the decree as herein after mentioned and that such of the Complainants as may at such time, be under any legal disability to make such deeds shall within six months from the removal of such disability, make execute acknowledge and deliver such deeds to the defendants their heirs and assigns, or that the said Circuit Court as so authorised by law may order and direct, that such deed or deeds shall

Wednesday February 3d 1835. Continued.

to execute the same for and on behalf of the Complainants last mentioned.— That the said defendants severally or each clas thereof as aforesaid for themselves jointly as they may claim or hold, do pay to the Complainants for the land conveyed by them, at the rate and on the terms stated in the joint answer of the defendants Court: Ten dollars for each and every of the four hundred acres purchased by Peter Smeltzer, and the two hundred acres purchased by Nicholas Smith from John Louch, to be paid in three equal annual instalments, counting from the agreement with Chiles, presumed to be 1 December 1817— That the heirs of Nicholas Smith, or the defendants who claim or hold under him or his heirs, do pay to the Complainants at the same rate and on the same terms for the fifty or seventy acres afterwards purchased by said Smith from Louch, which said Complainants shall convey as aforesaid to the defendant or defendants in possession thereof under Nicholas Smith

That the amount so to be paid by each defendant or clas of defendants, bear interest from the time the instalments were payable respectively, till the time directed by the Circuit Court at which the Complainants are to make the deeds as aforesaid, each defendant or clas to be liable only for the sum due by themselves and not for any sum due by other defendants. —

That when the said deeds shall be so executed and delivered, the sum due by each defendant or clas Principal and interest shall be paid as follows one third thereof to be paid in one year from the

Wednesday February 3d 1830. Continued.—

their in three years, with interest from the time they are payable.—

That the several sums so payable be paid into said court, or to such person or persons as said court by their decree shall order and direct, and on such terms and conditions as to them shall seem just and equitable.—

That the defendants severally and respectively, do render the direction of said court, account to and with each other for any monies received by one from the other, or any person or persons under whom they claim or have claimed, for or on account of any purchase money of any part or parts of the land, now or at any time held or claimed by them or any of them, under and in virtue of any purchase under the title of Searcy.— That such of the heirs of William Hoy, as have answered the bill of complainants do convey to them in the manner directed in the decree of the Circuit Court as to Jones and Fanny Hoy, all their right title and interest, in the land contained within the line of the plat first herein referred to, being the Western part of the Survey aforesaid in right of Searcy. In default of making such conveyance, as is herein directed to be made by any of the defendants in this case, then this court doth further order and direct, that a conveyance of the right and title, interest and claim in and to the land in controversy, held or claimed by such defendants, be conveyed to the claimants, by a com-

Wednesday February 3d 1836. Continued. –

to make such conveyance according to law. –

That the Bill of complainants be dismissed, as to the heirs of George Boone, Hezekiah Boone and the heirs of South with costs. –

And it is further ordered, adjudged and decreed, that all the equity of the complainants, as to any person or persons not parties to this suit, or as to any matter or thing not herein decreed on, shall be and is hereby reserved to the said complainants any thing contained in this decree notwithstanding. and that this cause be remanded to the circuit Court for the district of Kentucky with instructions to proceed therein according to this decree, and as to justice and equity shall appertain. –

"Jr. Mr. Chief Justice Taney"

"Mr. Justice McLean dissenting".

On Motion first made to the court in this behalf by Mr. King. It is ordered that Ferris Foreman Esquire of the State of New York be admitted to practice as an attorney and counsellor of this court and he was sworn accordingly. –

The Columbian Insurance Company of Alexandria

vs

Ralph W. Lawrence's adm.

37

The argument of this cause was continued by Mr. Swann for the appellee. –

Wednesday February 3d 1830 Continued

The United States pltff in Er
vs
Samuel Ellis' adms. —

The argument of this cause was commenced by Mr Swan for the plaintiff in error and continued by Mr Jones for the defendant in error. —

Proclamation being made the Court is adjourned until tomorrow morning at eleven o'clock. —

Thursday February 4th 1830.

Pursuant to adjournment the court met this morning at the Capitol

Present

The Honorable Joseph Story Senior Associate Justice
The Hon'ble | Smith Thompson / John McLean / Henry Baldwin / James M. Wayne | Associate Justices

Alexander Hunter Esquire Marshal
William Thomas Carroll Clerk

Proclamation being made the court is opened.—

The United States, Plff in Er. vs. David Ellis adm'r. — 39.

The argument of this cause was continued by Mr. Jones & Key for the defendant in Error and by Mr. Attorney General for the plaintiff in Error. —

Proclamation being made the court is adjourned until tomorrow morning at eleven Oclock. —

Friday February 6th 1836.

Pursuant to adjournment the Court met this morning at the Capitol.

Present

The Honorable Joseph Story Senior Associate Justice.
The Hon Smith Thompson
The Hon John McLean Associate Justices
The Hon Henry Baldwin
The Hon James M. Wayne

Alexander Hunter Esquire Marshal
William Thomas Carroll Clerk

Proclamation being made the Court is opened.

On motion first made to the court in this behalf by Mr Butler. It is ordered that Edwin B. Morehouse and Levi S. Turner Esquires of the State of New York be admitted to practice as Attorneys and Counsellors of this Court and they were severally sworn accordingly.

On motion first made to the court in this behalf by Mr Lee. It is ordered that A. Huntsman Esquire of the State of Tennessee be admitted to practice as an Attorney and Counsellor of this Court and he was sworn accordingly.

39. The United States plff in Er vs David Ellis adms

The argument of this cause was concluded by Mr Attorney General for the plaintiff in Error.

Friday February 5. 1836. Continued -

41 Samuel Sprigg pff in Er
to
The Bank of Mount Pleasant. -

The argument of this cause was commenced by Mr. Ewing for the plaintiff in Error, continued by Mr. Kennon for the defendant in Error and concluded by Mr. Ewing for the plaintiff in Error. -

46. John H. Lawrason pff
to
Alexander Brackens Defdt

This cause was submitted to the consideration of the Court in behalf of the defendants on the recognized printed argument of Mr. Hambleton of counsel for the defendants. -

48 Benjamin I. Gilman pff in Er
to
Peter G. Rives ——

This cause having been called for argument under the 36th rule of this Court and no counsel appearing to argue the same. It is now here ordered by the Court that said cause be and the same is hereby postponed to the foot of the docket. -

49. Thomas Elliott pff in Er
to
William Pearl -

The argument of this cause was commenced by Mr. Underwood for the plaintiff in Error

Friday February 5th 1830 Continued

John G Stevenson vs. Jeffries & } On motion of Mr Rand
52 " " } of Counsel for the
Jacob Kellar vs. ... } plaintiffs in Error
It is ordered by the
Court that this cause be and the same is hereby post
poned to the foot of the docket

Proclamation being made the Court is adjourned
until tomorrow morning at eleven oclock

Saturday February 6 1836.

Pursuant to adjournment the court met this morning at the Capitol.

Present

The Honorable Joseph Story Senior Associate Justice
Smith Thompson
The Hon.ble John McLean Associate Justices
Henry Baldwin
James M. Wayne
Alexander Hunter Esquire Marshal
William Thomas Carroll Clerk

Proclamation being made the court is opened

William C. C. Ventress, Abraham M. Fellers & Ann Eliza Fellers his wife Executors of Dorcas C. Ventress dec.d — Plff in Er.
vs
Neal Smith admr of John Clark dec.d —
In Error to the District Court of the United States for the District of Mississippi. —

This cause came on to be heard on the transcript of the record from the District Court of the United States for the district of Mississippi and was argued by counsel. On consideration whereof, It is ordered and adjudged by this court that the judgment of the said District Court in this cause be and the same is hereby affirmed with costs and damages at the rate of six per centum per annum upon the sum adjudged by the said District Court to the Plaintiff in said Court in case the

Saturday February 6th 1836. Continued.

56. The United States. Appellants
vs
Stephen L. Fernandez et al. heirs and legal representatives of Domingo Fernandez dec'd

On appeal from the Superior Court for the District of East Florida

This cause came on to be heard on the transcript of the record from the Superior Court for the District of East Florida and was argued by counsel, On consideration whereof it is ordered adjudged and decreed by this court that the decree of the said Superior Court for the District of East Florida in this cause be and the same is hereby affirmed. —

"Jr. M. Jns. Baldwin

57. The United States. Appellants
vs
Bernardo Segui

On appeal from the Superior Court for the District of East Florida

This cause came on to be heard on the transcript of the record from the Superior Court for the District of East Florida and was argued by counsel, On consideration whereof. It is adjudged ordered and decreed by this court that the decree of the said Superior Court for the District of East Florida in this cause be and the same is hereby affirmed.

"Jr. M. Jns. Baldwin"

58. The United States. appellants
vs
Charles Seton —

On appeal from the Superior Court for the District of East Florida —

This cause came on to be

Saturday February 6th 1836. Continued

Court for the District of East Florida and was argued by Counsel, On consideration whereof. It is ordered adjudged and decreed by this court that the decree of the said Superior Court for the District of East Florida in this cause be and the same is hereby affirmed.—

"Jos. M. Hus. Baldwin"—

The United States Applt
vs.
Benjamin Chaires Peter Miranda & Richard Humphreys.

On appeal from the Superior Court for the District of East Florida.

This cause came on to be heard on the transcript of the record from the Superior Court for the District of East Florida and was argued by Counsel, On consideration Whereof It is ordered, adjudged and decreed by this Court that the decree of the said Superior Court for the District of East Florida in this cause be and the same is hereby affirmed.—

"Jos. M. Hus Baldwin"

The United States Applt
vs.
Charles F. Sibbald.—

On appeal from the Superior Court for the District of East Florida.—

This cause came on to be heard on the transcript of the record from the Superior Court for the District of East Florida and was argued by Counsel, On consideration Whereof. It is ordered, adjudged and decreed by this court that the decree of the said Superior Court confirming the title of the petitioner to the ten thousand acres on Trout creek be and the same is hereby affirmed and

Saturday February 6 1836 Continued.

be and the same is hereby reversed and annulled. And this Court proceeding to render such decree as the said Superior Court ought to have rendered doth order adjudge and decree that the claim of the petitioner to the land embraced in the Survey of Four thousand acres and of two thousand acres as returned with and contained in the record is valid and that the same be and is hereby confirmed. And it is further ordered adjudged and decreed by this Court that the Surveyor of Public Lands in the Eastern District of Florida be and he is hereby directed to do and cause to be done all the acts and things enjoined on him by law in relation to the lands within said Survey. And that the said cause be and the same is hereby remanded to the said Superior Court to cause further to be done therein what of right and according to law and justice and in conformity to the opinion and decree of this Court ought to be done — "Wm. Wm. Baldwin"

Charles X. Gibbes — Appt

vs

The United States —

On appeal from the Superior Court for the District of East Florida

108.

This cause came on to be heard on the transcript of the record from the Superior Court for the District of East Florida and was argued by counsel On consideration whereof, It is ordered, adjudged and decreed by this Court that the decree of the said Superior Court confirming the title of the petitioner to the tra

Saturday February 6 1836 Continued.

affirmed and that the residue of the decree of the said Superior Court be and the same is hereby reversed and annulled - And this court proceeding to render such decree as the said Superior Court ought to have rendered doth order adjudge and decree that the claim of the petitioner to the land embraced in the Surveys of four thousand acres and of two thousand acres as returned with and contained in the record is valid and that the same be and is hereby confirmed - And it is further ordered adjudged and decreed by this court that the Surveyor of public lands in the Eastern District of Florida be and he is hereby directed to do and cause to be done all the acts and things enjoined on him by law in relation to the lands within said Surveys - And that the said cause be and the same is hereby remanded to the said Superior Court to cause further to be done therein what of right and according to law and justice and in conformity to the opinion and decree of this court ought to be done. -

"W. M. Jno. Baldwin." -

John Norvell Pltf. in Error
vs
Legee of Bank U. States -

This cause was argued by Mr Sergeant for the defendant in Error and submitted on printed arguments by Messrs Caswell and Chester for the Plaintiff in Error...

Saturday February 6 1836 Continued. –

	Thomas Ellicott Sal. pltff in Er.	This cause was argued
	To	by Mess^rs Underwood
49.	William Pearl ——	and Hardin for the
		pltff in Error

Proclamation being made the court is adjourned
until monday morning at eleven oclock –

Monday Febuary 8th 1836.

Pursuant to adjournment the court met this morning at the Capitol

Present

The Honorable	Joseph Story Smith Thompson John McLean Henry Baldwin James M. Wayne	Senior Associate Justice Associate Justices
The Marshall		
Alexander Hunter Esquire		Marshal
William Thomas Carroll		Clerk

Proclamation being made the court is opened

On motion first made to the court in this behalf by Mr Stow - It is ordered that Thomas J Sherwood Esq of the State of New York be admitted to practice as an attorney and counsellor of this court and he was sworn accordingly. —

39

The United States plaintiffs in Error
vs
Phineas Bradley Surviving admr of David Ott deceased

In Error to the Circuit Court of the United States for the District of Columbia holden in and for the County of Washington

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of Columbia holden in and for the County of Washington and was argued by Counsel -

Monday February 8th 1836 Continued.

court that there is error in the judgment of the said Circuit Court in adjudging that the pleadings by the said defendants in the same cause pleaded and the matters and things therein contained are sufficient in law to bar the said United States from having and maintaining their action aforesaid - And it is thereupon ordered and adjudged by this court that the judgment of the said Circuit Court be and the same is hereby reversed - And this Court proceeding to render such judgment as the said Circuit Court should have rendered in the premises It is further considered and adjudged by this court that the third and fifth pleas so as aforesaid pleaded by the said defendants are not sufficient in law to bar the said United States of their action aforesaid against the said defendants - Whereupon the said United States ought notwithstanding the pleas aforesaid to recover their debt and damages on occasion of the premises - And it is further ordered and adjudged by this court that the cause be remanded to the said Circuit Court for further proceedings thereon according to law. - "Jr. Mr. Justice Story"

On Motion first made to the court in that behalf by Mr Slow. It is ordered that Hiram P. Hunt Esquire of the State of New York be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly -

3360.

Monday February 8th 1830 Continued

M. B. Haydel Syff in Er 33. vs Frances Fires	This cause was argued by Mr Key for the defendant in Error. —
Eliza Brown appt 34. vs Wm S. Symmes admr	The argument of this cause was commenced by Mr Key for the appellant and continued by Mr G Lee for the Appellee. —

Proclamation being made the Court is adjourned until tomorrow morning at eleven oclock. —

Tuesday February 9th 1836.

pursuant to adjournment the court met this morning at the Capitol

Present

The Honorable Joseph Story Senior Associate Justice
Smith Thompson
The Honble John McLean Associate Justices
Henry Baldwin &
James M. Wayne

Alexander Hunter Esquire Marshal
William Thomas Carroll Clerk

Proclamation being made the court opened —

The Mayor Aldermen and Inhabitants of the City of New Orleans Appellants
vs
The United States —

On appeal from the District Court of the United States for the Eastern District of Louisiana

This cause came on to be heard on the transcript of the record from the District Court of the United States for the Eastern District of Louisiana and was argued by Counsel— On consideration Whereof It is ordered, adjudged and decreed by this court that the decree of the said District Court in this cause be and the same is hereby reversed and annulled— and this court proceeding to render such decree as the said District Court ought to have rendered in the premises, doth order adjudge and decree that the

Tuesday February 9th 1830 Continued

same is hereby dismissed - And that this cause be and the same is hereby remanded to the said District Court of the United States for the Eastern District of Louisiana with directions to the said District Court to carry this decree into effect - "P. M. Jno. McLean"

Eliza Brown. Appellt 34. vs Wm. J. Simms admr. &c.	The argument of this cause was continued by Mr. Simms for the appellees and by Mr. Innes for the appellant. -

Proclamation being made the Court is adjourned until tomorrow morning at eleven oclock. -

Wednesday February 10th 1836.

Pursuant to adjournment the Court met this morning at the Capitol

Present

The Honorable Joseph Story Senior Associate Justice

The Hon'ble | Smith Thompson / John McLean / Henry Baldwin / James M. Wayne | Associate Justices

Alexander Hamilton Virginia Marshal
William Thomas Carroll Clerk

Proclamation being made the Court is opened.

Burtis Bingo, James Elliott, John Collins, John Elliott, Isaac Lawrence, Thomas Walton, Abby Howe Livingston, Moses Sears and George Moses Jr. Appellees

40. vs

Charles Winans, and Elizabeth Hixon, Stephen Hixon, Jonathan Hixon, John Hixon, William Hixon, and Timothy Hixon heirs of Timothy Hixon dec'd. —

On appeal from the Circuit Court of the United States for the District of Kentucky —

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of Kentucky and was argued by Counsel, On consideration whereof It is ordered & adjudged and decreed by this Court that so much of the decree of the said Circuit Court in this cause as directs the

Wednesday February 10th 1836. Continued.—

the same is hereby affirmed with costs— and that so much of the said decree as directs the Defendants to convey to the Complainants be and the same is hereby reversed. and it is further ordered and decreed by this Court that this cause be and the same is hereby remanded to the said Circuit Court with directions for further proceedings to be had therein in conformity to the opinion and decree of this Court and as to law and equity may appertain.—

"Jr. M. Chs. McLean" —

John Smith &c. Appt
vs
The United States.—

On appeal from the District Court of the United States for the District of Missouri.—

This cause came on to be heard on the transcript of the record from the District Court of the United States for the District of Missouri and was argued by counsel; On consideration whereof. It is ordered, adjudged and decreed by this Court that the decree of the said District Court in this cause be and the same is hereby affirmed.— "Jr. M. Chs. Baldwin"—

Eliza Brown— Appt
vs
Wm T. Graves's admr &c.

The argument of this cause was concluded by Mr Jones for the appellant.—

James McBride— pltff in Er.
vs
Exrs of William Hoey—

In Error to the Supreme Court of Pennsylvania for the Western District.—

Mess. Jones and Anthony of

Wednesday February 10th 1836. Continued.

read in open court the following suggestion in writing, viz, The plaintiff in Error by his counsel pray leave to suggest a material diminution of the record returned into this Court in suppose obedience to the writ issued in this cause, to wit- the omission to append upon the record the deed from Thos. L. Ware, United States District Collector to William Clark dated 3d July 1821, and also the redemption receipt of the County Treasurer of Mercer County Pennsylvania to said Clark evidencing the due payment by said Clark, on the 10th June 1824, of all the taxes for which the land in controversy was sold with 25 per cent in addition and costs, both of which papers are constituted a part of the record by reference, sent up from the County Court of Common Pleas of Mercer County to the Supreme Court of Pennsylvania, and were treated and considered by the latter court, in reviewing the original judgment of said County Court, and in pronouncing the judgment now sought to be re-examined upon the present writ of error; and are material and necessary to be also inspected and considered by this Court in the exercise of its appellate jurisdiction in this case. Also the deed from Aaron Hackey Treasurer of Mercer County Pennsylvania to William Magee the defendant in Error dated October 14. 1822 shewing the sale &c of the said tract of land for taxes &c: also the assessment of County and

Wednesday February 11th 1836 Continued

1820 and 1821 and the duplicate bond for $411.50 dated July 8th 1822 given by the said William Hoey and filed in the Court of Common pleas of Mercer County Pennsylvania. And the list of assessments for United States tax referred to in the deposition of John Finley — All of which papers were given in evidence on the trial of the cause in the Court below — By reason of which omissions and errors as aforesaid the said Counsel now here moved the Court to award a writ of Certiorari to be directed to the Judges of the Supreme Court of Pennsylvania for the Western District commanding them that searching the records and proceedings of said Supreme Court in this cause they should certify to this Court under the seal of the said Supreme Court whatever omissions and errors should be found. On consideration whereof, It is now here ordered and adjudged by this Court that a writ of certiorari be and the same is hereby awarded to be issued forthwith to be directed to the Judges of the said Supreme Court commanding them to certify under the seal of said Court whatever omissions and errors shall be found in this cause and return the same with the said writ of certiorari forthwith to this Court.

John Hogan Plff in E
vs
Thomas S Tevis

The argument of this cause was commenced by Mr Cope for the plaintiff in error continued by Mr Key for the defendant in error and concluded by Mr Cope for the plaintiff in error

Wednesday February 10th 1830 Continued.

61. Samuel B. Lee pltff &c. vs Nathaniel Leech & al defts — This cause having been called for argument under the 36th rule of this court and no counsel appearing to argue the same. It is now here ordered by the court that this cause be and the same is hereby postponed to the foot of the docket.

65. Lessee of Gabriel Swayze &c. pltffs vs Robert Burke &al defts — This cause having been called for argument under the 36th rule of this court and no counsel appearing to argue the same. It is now here ordered by the court that this cause be and the same is hereby postponed to the foot of the docket.

67. Joseph D. Wallings for &c. pltffs vs Sarah Ann Allen &al defts. — This cause having been called for argument under the 36th rule of this court and no counsel appearing to argue the same. It is now here ordered by the court that this cause be and the same is hereby postponed to the foot of the docket.

66. Lessee of Joseph Marlott pltff &c. vs John Tuth &al defts — This cause having been called for argument under the 36th rule of this court and no counsel appearing to argue the same. It is now here ordered by the court that this cause be

Wednesday February 10th 1836 Continued.

Samuel Dickens. plff in Er 83. vs William M. Beall	This cause having been called for argument under the 36th rule of this Court and no counsel appearing to argue the same. It is now here ordered by the Court that this cause be and the same is hereby postponed to the foot of the docket. –

Lessee of Charles Scott. plff 29. vs Thomas Reid Jr. Defl	This cause was submitted to the consideration of the Court on the record and printed arguments by Mr. Leigh of counsel for the plaintiff. –

On Motion being made the Court is adjourned until tomorrow morning at eleven oclock. –

Thursday February 11 1836.

Pursuant to adjournment the Court met this morning at the Capitol. —

Present

The Honorable Joseph Story Justice of the Supreme Court
Smith Thompson
The Honble John McLean Associate Justices
Henry Baldwin
James M. Wayne
Alexander Hunter Esquire Marshal
William Thomas Carroll Clerk

Proclamation being made the Court is opened

On motion first made to the court in this behalf by Mr Webster It is ordered that Jonathan P Rogers Esquire of the State of Maine be admitted to practice as an attorney and counsellor of this court and he was sworn accordingly. —

41. Samuel Spriggs Pfft in Er
vs
The President Directors and Company of the Bank of Mount Pleasant. —

In Error to the Circuit Court of the United States for the District of Ohio —

This cause came on to be heard on the Transcript of the record from the Circuit Court of the United States for the District of Ohio and was argued by Counsel — On consideration Whereof It is ordered and adjudged by this court that the

Thursday February 11 1836 Continued.—

be and the same is hereby affirmed with costs and damages at the rate of six per centum per annum.—

'Js. M. Jns. Thompson'—

William King. appellt
vs
James M'Clure —

On motion of Mr. Preston of Counsel for the appellant. It is now here ordered by the Court that this cause shall not be called for argument before Monday the 22d inst.

David Peters Extor &c. —
68. vs appellee
James B Beverly &c. —

The argument of this cause was commenced by Mr Key for the appellants and continued by Mr Marbury for the appellees —

Proclamation being made the Court is adjourned until tomorrow morning at eleven Oclock.—

Friday. February 12. 1836.

Pursuant to adjournment the Court met this morning at the Capitol.—

Present.

The Honorable	Joseph Story, John Smith Thompson	Associate Justices
The Honble	John M'Lean, Henry Baldwin, James M. Wayne	Associate Justices

Alexander Hamilton Esquire Marshal
William Thomas Carroll Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr Peters. It is ordered that Samuel Rockwell Esquire of the State of Georgia be admitted to practice as an attorney and Counsellor of this Court and he was sworn accordingly.—

53. M. B. Hayward, Plff in Error
vs
Francois Pirod ——

In Error to the District Court of the United States for the Eastern District of Louisiana.—

This cause came on to be heard on the transcript of the record from the District Court of the United States for the Eastern District of Louisiana and was argued by Counsel; On Consideration whereof It is adjudged and ordered by this Court that the judgment of the said District Court in this cause be and

Friday : February 12th 1836. Continued. -

	David Peter's Exor &al -.	The argument of this cause
68	vs appellt	was continued by Messrs
	James B Beverly &al	Marbury and Coxe for the
		appellees. -

Proclamation being made the Court is adjourned until tomorrow morning at eleven o'clock. -

Saturday February 13th 1836.

Pursuant to adjournment the court met this morning at the Capitol —

Present

The Honorable Joseph Story, Senior Associate Justice

The Honble | Smith Thompson
John McLean
Henry Baldwin
James M. Wayne | Associate Justices

Alexander Hunter Esquire Marshal
William Thomas Carroll Clerk —

Proclamation being made the Court is opened.

Elizabeth Davis admrx &c of John H. Davis dec'd pltff
vs
Alexander Braden —

46. On a certificate of division in opinion between the Judges of the Circuit Court of the United States for the District of West Tennessee

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the district of West Tennessee and on the point and question on which the Judges of the said Circuit Court were opposed in opinion and which was certified to this court for its opinion agreeably to the act of Congress in such case made and provided and was argued by Counsel On consideration whereof. It is the opinion of this Court that it cannot take cognizance of the question certified the case

Saturday February 13 1836 Continued.

Circuit Court and therefore clearly not within the act of Congress of 24th April 1802. Whereupon it is ordered and adjudged by this court that it be dismissed & the said Circuit Court. "Jos. M. Hs. Thompson"

Thomas Leland val. $5000
38 vs
David Wilkinson — This cause was submitted to the consideration of the Court on the record and printed arguments by Mr. Whipple of counsel for the plaintiffs —

Harriet & Hook val. $5000
18 vs
John Linton, Curator &c — Mr. Lee of counsel for the appellants in this cause now has moved the Court to rescind and strike out the order of this court made in this cause on a prior day of the present term, to wit, on Saturday the 30th of January dismissing the appeal in this cause and to reinstate the same on the Calendar of this court for argument, which was opposed by Mr. Porter of counsel for the appellee. Whereupon this court not being now sufficiently advised of and concerning what order to render in the premises took the same under advisement.

David Peltz Esq. val. $5000
68 vs
James B. Bently val — The argument of this cause was concluded by Mr. Sergeant for the appellants. —

Proclamation being made the Court is adjourned until

Monday February 15th 1836.-

Pursuant to adjournment the court met this morning at the Capitol -

Present

The Honorable Joseph Story, Senior Associate Justice
Smith Thompson
The Honble John McLean Associate Justices
Henry Baldwin
James M. Wayne
Roger Brooke Taney Chief Justice
William Thomas Carroll Clerk -

Proclamation being made the Court was opened

On motion first made to the court in this behalf by Mr Webster - It is ordered that Geo P Robinson Esquire of the State of Massachusetts be admitted to practice as an attorney and Counsellor of this Court and he was sworn accordingly -

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John Voorhees Jeremiah Eddy Ichoney Ashley and Nicholas Longworth. - Plffs in Error

42. vs

James Jackson ex dem: The President Directors and Company of the Bank of the United States. -

In Error to the Circuit Court of the United States for the District of Ohio

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of Ohio and was argued by Counsel, on con-

Monday February 15th 1836 Continued.—

court that the judgment of the said Circuit Court in this cause be and the same is hereby affirmed with cos.—

"J. M. Mrs. Baldwin"

Richard Smith, Lessee of
John Fanning. pltff
in
John Vaughn Defdt

33

On a certificate of division in opinion between the Judges of the Circuit Court of the United States for the District of Pennsylvania.—

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of Pennsylvania and on the question and point on which the Judges of the said Circuit Court were opposed in opinion and which was certified to this court for its opinion agreeably to the act of Congress in such case made and provided and was argued by counsel, On Consideration Whereof It is the opinion of this court that it cannot take cognizance of the question certified, the case being one resting entirely in the discretion of the Circuit Court and therefore clearly not within the act of Congress of 29th April 1802. Whereupon it is ordered and adjudged by this court that it be so certified to the said Circuit Court.

"J. M. Mrs. Story Senior Associate"

James Mackey's Heirs—appellts
vs
The United States —

7

Mr White of Counsel for the appellants now here moved the Court to rescind and strike out the order made in this cause on the first day of the present term of this court to

Monday February 15 1836. Continued

and to reinstate the same on the Calendar of this court for argument, to which Mr Attorney General in behalf of the United States apealed. On consideration whereof, It is now here ordered by the court that said order be and the same is hereby rescinded and that this appeal be and the same is hereby reinstated on the Calendar of this court for argument -

Mackey & Henry Lews. Appts
vs
The United States. —

Mr White of counsel for the appellants now here moved the court to rescind and strike out the order made in this cause on a prior day of the present term of this court, to wit on Thursday the 21st of January, dismissing this appeal and to reinstate the same on the Calendar of this court for argument, to which Mr Attorney General in behalf of the United States apealed. On consideration whereof, it is now here ordered by the court that said order be and the same is hereby rescinded and that this appeal be and the same is hereby reinstated on the Calendar of this court for argument. -

The State of New Jersey -
vs
The People of the
State of New York. —

Bill of Equity. -

Mr Southard Solicitor for the complainants now here moved the court to dismiss the Bill

Monday February 15th 1830. Continued

of the defendants assertion. On consideration whereof, It is now here ordered and decreed by this court that this Bill be and the same is hereby dismissed. —

Pr. M. Jno. Mory Senr Associate

Samuel Dickens. pltff in Er	This cause having been	
83. vs	called for argument under	
William M. Ward —	the 36th rule of this court and	

no counsel appearing to argue the same, it is now here ordered by the court that this cause be and the same is hereby postponed to the foot of the docket. —

Samuel Packer Exr. Compltt	This cause having been	
92. vs	called for argument under	
Matthias Depeyster admr	the 36th rule of this court and	

no counsel appearing to argue the same. It is now here ordered by the court that this cause be and the same is hereby postponed to the foot of the docket. —

Samuel Weazie. pltff	This cause having been	
99. vs	called for argument under	
Ira Wadleigh Dft	the 36th rule of this court	

and no counsel appearing to argue the same. It is now here ordered by the court that this cause be and the same is hereby postponed to the foot of the docket. —

Monday February 15th 1836 Continued.

Thomas Ranley. Appellt		This cause having been
101.	vs	called for argument under
James Walker & ors		the 33d rule of this court

and no counsel appearing to argue the same - It is now here ordered by the court that this cause be and the same is hereby postponed to the foot of the docket. -

James Mackay's heirs. appellt		This cause was argued
7.	vs	by Mr White for the
The United States —		appellants and by Mr
		Attorney General for
		the appellee.

Macky Wherry's heirs. Appellts		This cause was argued
8.	vs	by Mr White for the
The United States —		appellants and by Mr
		Attorney General, for
		the appellee —

Nicholas Wilson's heirs-Plffs in E.		On motion of Mr Porter
20.	vs	of counsel for the Plaintiffs
Lispenard's Exrs Comfy of N York.-		in Error. It is ordered by

the court that this cause be and the same is hereby continued to the next term of this court -

Nathaniel P. Benton, Exr.		On motion of Mr Attorney
Atty U.S. - appellt		General of counsel for
33	vs	the appellant. It is

3380.

Monday February 13 1835 Continued –

28. John McLearn val appellt
vs
Archibald McClellan val

This cause was argued by Mr White for the appellants and by Mr Preston for the appellees –

Proclamation being made the Court is adjourned until tomorrow morning at eleven oclock –

Tuesday February 16. 1836.

Pursuant to adjournment the Court met this morning at the Capitol

Present

The Honorable Joseph Story Justice of the Supreme Court
Smith Thompson
The Hon. John McLean
Henry Baldwin
James M. Wayne
Alexander Hunter Esqre Marshal
William Thomas Carroll Esqr Clerk

Proclamation being made the Court is opened

Thomas Ellicott and
Jonathan Meredith - Plffs in Error
vs
William Pearl --

49.

In Error to the Circuit Court of the United States for the District of Kentucky

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of Kentucky and was argued by Counsel - On consideration whereof It is ordered and adjudged by this Court that the judgment of the said Circuit Court in this cause be and the same is hereby affirmed with costs.

"Mr. Justice Story Justice of the Court"

Nathan Carr Val. Appellt
vs
Joseph Hoyer

32.

On motion of Mr. Pearce of Counsel for the appellant, to which Mr. Hoyer

Tuesday February 16 1836 Continued.—

assented It is now here ordered by the court that this cause be and the same is hereby continued to the next term of this court.

John G Stevenson Adm. &c. Pltff in Er. vs
32 No
Jacob Keller Adm. &c. Defft in Error

On motion of Mr Brent of counsel for the Pltff in Error - It is now here ordered by the court that this cause be and the same is hereby continued to the next term of this court.

Heirs of Gabriel Penyge &c. Pltffs
65 vs
Robert Burke &c. Defts

It is now here ordered by the court that this cause be and the same is hereby continued to the next term of this court. —

Heirs of Capt. Marshall.
60 vs
John Peck &c.

It is now here ordered by the court that this cause be and the same is hereby continued to the next term of this court. —

Benjamin J Gilman Pltff in Er.
48 vs
Peter S. Rives

It is ordered by the court that this cause be and the same is hereby continued to the next term of this court. —

Tuesday February 15 1831. Continued.

Samuel B. Lee pltff in Er
vs
Nathaniel Beck &c

This cause was submitted to the consideration of the court on the record & was argued by Mr Taylor for the pltff in error and by Mr Bell for the defendants in error

Joseph Wallingsford pltff in Er
vs
Sarah A. Allen & children

Mr Brent of counsel for the plaintiff in error having suggested the death of Joseph Wallingsford and filed a certified copy duly authenticated of the letters testamentary granting administration to James Mead, now here moved the court that the said James Mead administrator of the said Joseph Wallingsford deceased have leave to appear and prosecute this writ of error - On consideration whereof, It is now here ordered by the court that the said James Mead administrator as aforesaid appear with leave to prosecute this writ of error -

Joseph Wallingsfords adms
vs
Sarah A. Allen & children

pltff in Error

The argument of this cause was commenced by Mr Brent for the plaintiff in Error, & continued by Messrs Jennings and Key for the defendants in error and concluded by Mr Brent for the plaintiff in error -

Tuesday February 16 1836 Continued. –

Samuel Dickens pltff in Er		This cause was submitted
83.	vs	to the consideration of the
William M. Beal –		Court on the Record by
		Mr Brillenden for the
		defendant in Error. –

Richard R. Keene pltff in Er.		Mr Croyle of counsel for
84.	vs	the defendant error moved
Lewis Clarke admr		the Court to dismiss the
		writ of error for the want

of jurisdiction – whereupon this Court not being now fully sufficiently advised of and concerning what order to make in the premises doth time to consider

Samuel Packer Val. Complt		The argument of this cause
92.	vs	was commenced by Mr
Mathias Aspden's admr		Williams on behalf of
		John A. Brown Val. –

Proclamation being made the Court is adjourned until tomorrow morning at eleven o'clock.

Wednesday February 17. 1836.

Pursuant to adjournment the Court met this morning at the Capitol.

Present

The Honorable Joseph Story, John Thomas, Associate Justices
Smith Thompson
The Hon'ble John McLean, Associate Justices
Henry Baldwin
James M. Wayne

Stephen Hamblin, Esquire Marshal
William Thomas Carroll Clerk

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Coyle. It is ordered that Johnson Hollin Esquire of the District of Columbia be admitted to practice as an attorney and counsellor of this Court and that person accordingly —

Thomas Leland, and Cynthia B. Leland his wife, Lemuel C Hastings, George Carlton and Elizabeth Mills Carlton his wife William Jones Hastings, Jonathan Lukes Hastings, Lambert Hastings, Joel Hastings and Harriet Maria Hastings and Hubbard Hastings. — pltffs. —

38 vs

Daniel M Wilkinson — —

On a certificate of division in opinion between the Judges of the Circuit Court of the United

1836.

Wednesday February 17 1836 Continued.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of Rhode Island and on the points and questions on which the Judges of the said Circuit Court were opposed in opinion and which were certified to this court for its opinion agreeably to the act of Congress in such case made and provided and was argued by counsel On consideration whereof, it is the opinion of this court that the grantees in the record confirmed by the Legislature of Rhode Island took an absolute title to the premises in dispute in this cause, which opinion answers the first second, third, fourth and sixth questions so certified and also the fifth question except that part of said fifth question which refers to a description of the premises and which is not so stated as to enable this Court to express an opinion - all of which it is hereby ordered and adjudged by this court to be certified to the said Circuit Court - "Jos. M. Hrs. McLean"

Samuel Packer &al. Complt
vs
Matthias Aspinwall & al

The argument of this cause was continued by Mr. Williams in behalf of Brown - by Mr. Rawle representing the interest of Packer - by Mr. Ingersoll for the Executor and concluded by Mr. Hope for Poole &al. -

Proclamation being made the Court is adjourned until tomorrow morning at eleven o'clock. -

Thursday February 18th 1830

Pursuant to adjournment the court met this morning at the Capitol

Present

The Honble Joseph Story Justice of the Supreme Court
Smith Thompson
The Honble John McLean Associate Justices
Henry Baldwin
James M. Wayne
Nicholas Fenwick Esquire Marshal
William Thomas Carroll Clerk

Proclamation being made the court is opened

On motion first made to the court in this behalf by Mr Peters - It is ordered that Lewis Tonks Kintzing Esquire of the State of Pennsylvania be admitted to practice as an attorney and counsellor of this court and he was sworn accordingly -

On motion first made to the court in this behalf by Mr Webster - It is ordered that Henry N. Walker Esquire of the Territory of Michigan be admitted to practice as an attorney and counsellor of this court and he was sworn accordingly -

D. 388.

Thursday February 18th 1830 Continued –

The Columbian Insurance Company of Alexandria
vs.
Wm. C. Smith, admr of Joseph W. Lawrence Surviving partner of Jos. W. Lawrence & Thos. Pinckston

In Error to the Circuit Court of the United States for the District of Columbia holden in and for the County of Alexandria –

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of Columbia holden in and for the County of Alexandria and was argued by Counsel. On consideration whereof. It is the opinion of this Court that there was error in the Circuit Court in refusing to give to the Jury the following instruction in the second bill of exceptions mentioned on the prayer of the Counsel for the said Insurance Company viz– "if the jury find from the evidence that a full disclosure of the actual title of the insured in the premises as it existed at the time was material to the risk would have considerably increased the estimate and value of the risk and premium, and that no other disclosure of the same was made than is aforesaid, then there was a material concealment which avoids the policy" It is therefore considered and adjudged by this Court that for the error aforesaid the judgment aforesaid be and hereby is reversed, and that the cause be remanded to the Circuit Court with directions to award a venire facias de novo

"P. V. Thompson Jr. Thos. Fenwick Associate"

Thursday February 18th 1836 Continued.

Isabella Mackay widow, and John Munro Mackay Reuben T. Coleman and Lucy Eliza his wife Hector Munro and Catharine Mary his wife, George A. Mackay James B. Mackay, Jane A. Mackay and Amelia A. Mackay, minors by their mother and next friend the said Isabella Mackay heirs of James Mackay dec'd

vs

Appellees

The United States

On appeal from the District Court of the United States for the District of Missouri

This cause came on to be heard on the transcript of the record from the District Court of the United States for the District of Missouri and was argued by counsel On consideration whereof, It is ordered, adjudged and decreed by this court that the decree of the said District Court in this cause be and the same is hereby reversed; and proceeding to render such decree as the said District Court ought to have rendered. It is further ordered, adjudged and decreed, that the title of the petitioners, to the land described in their petition to the District Court, is valid by the laws and treaty aforesaid and the same is hereby confirmed as therein described; and that the Surveyor of public lands in Missouri be and he is hereby directed to survey the quantity of land claimed in the place described in the petition and grant or conveyance - that he deliver to the petitioners a copy or plat of such survey, and also do and perform such other acts and things therein as by law are directed.

"Jos. M. Hs. Baldwin"

Thursday February 18th 1830. Continued

Joseph I Whery Macky & Whery & Samuel B Whery Heirs of Macky Whery dec^d

8. vs Appts

The United States -

On appeal from the District Court of the United States for the District of Missouri

This cause came on to be heard on the transcript of the record from the District Court of the United States for the District of Missouri and was argued by counsel On consideration whereof, It is ordered, adjudged and decreed by this court that the decree of the said District Court in this cause be and the same is hereby affirmed. -

"Jn^o M^c Kn. Baldwin"

Samuel Veazie - plff

99. vs

Ira Wadleigh def^t

M^r Butler of counsel for the plaintiff moved the Court to continue this cause under rule N^o 19 of 1808, the record not having been filed within the first day of the term which was opposed by M^r Webster of counsel for the defendants who contended that rule N^o 3 of 1834 repealed the rule of 1808 and gave the defendants the option of arguing or continuing the cause - Whereupon the Court not being now sufficiently advised of and concerning what order to make in the premises took time to consider -

The United States - appl^t

102 vs

Joseph Gardner -

The argument of this cause was commenced by M^r Attorney General for the plaintiff & continued

Thursday February 18th 1836 Continued.

Eliza Brown Appls
vs
Frances Swann, admx of
William T. Swann dec'd
& Richard B. Alexander

On appeal from the
Circuit Court of the
United States for the
District of Columbia holden
in and for the County of
Alexandria

54

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of Columbia holden in and for the County of Alexandria and was argued by counsel; On consideration whereof, It is ordered, adjudged and decreed by this court, that the decree of the said Circuit Court in this cause be and the same is hereby reversed and annulled - And this Court proceeding to render such decree as the said Circuit Court ought to have rendered in the premises doth order, adjudge and decree that the order for a perpetual injunction be and the same is hereby dissolved, and that the Bill of the Complainants in this cause be and the same is hereby dismissed - and that this cause be and the same is hereby remanded to the said Circuit Court with directions to the said court to carry this decree into effect. —

"Jas M. Ins. M'Kinley"

Proclamation being made the court is adjourned until tomorrow morning at eleven o'clock. —

Friday February 19th 1836.

Pursuant to adjournment the court met this morning at the Capitol

Present

The Honorable	Joseph Story	Senior Associate Justice
	Smith Thompson	
The Honble	John McLean	Associate Justices.
	Henry Baldwin	
	James M. Wayne	
Elias	Hindman Conrad	Marshal
William	Thomas Carroll	Clerk

Proclamation being made the Court is opened.

Richard R. Keene. pltff in Er. vs. The Heirs of Daniel Clarke dec'd. — In Error to the Supreme Court of the State of Louisiana. —

On consideration of the motion made in this cause on a prior day of the present term of this court viz. on Tuesday the 16th of February by Mr. Boyle of Counsel for the defendants in Error and of the arguments of Counsel thereupon had. It is now here ordered and adjudged by this court that this writ of error to the Supreme Court of the State of Louisiana be and the same is hereby dismissed for the want of jurisdiction. —

"Jos. McLean. Roy. Senior Associate"

Friday February 19th 1836 Continued.

99	Samuel Veazie - pltff vs Ira Wadleigh defdt	On consideration of the motion made in this cause yesterday by Mr Butler Counsel for the plaintiff and the observations thereto by Mr Webster Counsel for the defendant It is now here ordered by the Court that this cause be and the same is hereby continued to the next term of this Court
99	Samuel Veazie - pltff vs Ira Wadleigh defdt	On motion of Mr Butler Counsel for the plaintiff It is ordered by the Court that the parties have leave to withdraw from the files the dft pleas & pltfs filed in this cause
100	The United States pltff vs Joseph Gavanes —	The argument of this cause was continued by Mr Whittemore for the defendant and concluded by Mr Attorney General for the plaintiff
101	Thomas Stanley - pltff in Er vs James Walker Defdt	This cause was submitted to the Consideration of the Court on the record by Mr Swann for the plaintiff in error & by Mr Coxe for the defendants in Error

Proclamation being made the Court is adjourned until tomorrow morning at eleven oclock

Saturday February 20th 1836.

(Pursuant to adjournment the Court met this morning at the Capitol

Present

The Honorable Joseph Story Senr Associate Justice
Smith Thompson
The Honble John McLean Associate Justices
Henry Baldwin
James M Wayne
Alexander Hunter Esquire Marshal
William Thomas Carroll Clerk

Proclamation being made the Court is opened

On motion first made to the Court on this behalf by Mr Bell It is ordered that Geo W. Mason Esquire of the State of Virginia be admitted to practice as an Attorney and Counsellor of this Court and he was sworn accordingly.

48. Benjamin S. Gilman Plffs Er. vs Peter F. Rives — On motion of Mr Bell of Counsel for the defendant in Error this cause was submitted to the consideration of the Court on the record.

15. Harriet E. Hook Admx. &c. Plffs Er. vs John Linton, Curator &c — The motion made by Mr Lee on a prior day of the present term of this Court to quash

Saturday February 20th 1830. Continued.

A motion to reinstate this cause on the Calendar of this Court was opposed by Messrs Leigh and Parker Counsel for the appellee, and supported by Mr Gallatin counsel for the appellants. —

Matthew St Clair Clarke — The argument of this cause
102. vs Jeffries &c was commenced by Mr Coxe
Conrad Rownslar for the plaintiff in Error
continued by Messrs Dunlop
and Key for the defendant in Error and concluded by
Mr Coxe for the plaintiff in Error. —

William King &c vs James White — On appeal from the District Court of the United States for the Western District of Virginia. —

This cause came on to be heard on the transcript of the record from the District Court of the United States for the Western District of Virginia and was argued by Counsel; On Consideration Whereof, It is ordered adjudged and decreed that the decree of the District Court of the Western District of Virginia in the proceedings aforesaid be, and hereby is reversed without prejudice to either party. and that the same cause be remanded to the said District Court for further proceedings with directions to the said District Court to permit the original plaintiff to amend his Bill in regard to his statement of his right and title to the estate of the late William King as heir of the

Saturday February 20 1830 Continued

constituting the subject matter of the said Bill and to state the Trust to which the same has since the decree of the said District Court been adjudged to be subject, in the hands of the said Plaintiff, as devisee of William King by the adjudication of this court in the case of King vs Mitchell & others at the January Term thereof A.D. 1834. and to ascertain and prove the true value thereof, subject to the said Trust, with any other matter incident and proper to such amendment of the said Bill. The original defendant to be likewise permitted to amend his answer in all matters touching such amendments of the said Bill. And that thereupon such further proceedings to be had as may be just the proofs taken as to the matter of such amendments in the Bill and answer, as to justice and equity may appertain. —

"Wm. Wm. Thos. Story. Senior Associate"

Proclamation being made the Court is adjourned until Monday morning at eleven o'clock. —

Monday February 22. 1836.

Pursuant to adjournment the court met this morning at the Capitol —

Present

The Honorable Joseph Story Senior Associate Justice
Smith Thompson
The Honble John McLean Associate Justices
Henry Baldwin
James M. Wayne

Thomas Munro Esquire Marshal
William Thomas Carroll Clerk

Proclamation being made the court is opened

Alphonso McClung Jr. Appellant
vs
The United States — Appeal from the District Court of the United States for the District of Missouri

This cause came on to be heard on the transcript of the record from the District Court of the United States for the District of Missouri and was argued by counsel — On consideration whereof It is ordered and adjudged by this court that the judgment of the said District Court in this cause be and the same is hereby affirmed with costs. —

"P. M. Pro. M Wayne"

Monday February 22d 1836. Continued.

George Peter Executor of David Peter, and. The Bank of Columbia and the Bank of the United States Appeals

68. vs

James B. Beverly and wife and William Ramsay & Wife and others Heirs of David Peter, Appellees.

On appeal from the Circuit Court of the United States for the District of Columbia holden in and for the County of Washington.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of Columbia holden in and for the County of Washington and was argued by Counsel. On Consideration whereof, It is ordered, adjudged and decreed by this court that the decree of the said Circuit Court in this cause be and the same is hereby reversed and annulled. And this court proceeding to render such decree as the said Circuit Court ought to have rendered in the premises doth order adjudge and decree that the injunction in this cause be and the same is hereby dissolved and that the Bill of the Complainants be and the same is hereby dismissed. and that this cause be and the same is hereby remanded to the said Circuit Court with directions to said Court to carry this decree into effect — "P.V. Mr. Justice Thompson"

Harriet E. Hook Adl. Appellee

B. vs

John Tayloe, Curator &c

On Consideration of the motion made in this cause on a prior day of the present term of this

Monday February 22d 1836. Continued -

this cause upon the Calendar of this court for arrangement and of the arguments of counsel thereupon had as well in support of as against the motion. It is now here ordered by the Court that said motion be and the same is hereby overruled

John Doe Lessee of Charles C. Scott, Edmund W. Clark, Emma Hendricks and Elizabeth his wife Lessee of Eliza and Susan his wife and Mary Clark, Samuel Griffin William S. Griffin, Charlotte Griffin John H. Griffin and ____ Mitchell, & Elizabeth Preston Margaret Preston and Dorcas Preston, Bowker Preston, Richard Robison and Louisa his wife Richard P. West Lorden A. West, John H. West, Margaret Elyza West, and Smithson H. West - Plaintiffs

24. vs

Thomas Read Jr. Thomas T. Butler, William Collins Walter T. Burnes, Joseph Kinnan, Isaac Kinnan & Wesley Howard. -

On a certificate of division in opinion between the Judges of the Circuit Court of the United States for the District of West Tennessee

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of West Tennessee and on the points and questions on which the Judges of the said Circuit Court were opposed in opinion and which were certified to this Court for its opinion agreeably to the act of Congress in such case made and provided

Monday February 22. 1830. Continued.

this court is of opinion on the first question so certified that the deed from Lowelson & Cook should be admitted as evidence of title being proved and registered according to the laws of Tennessee, and on the second question so certified it is the opinion of this court that the deed from Mahaly Lowelson to James Cannon cannot be received as evidence and that the evidence of Burnet and Kimbro does not under the circumstances of the case conduce to show that the defendants purchased under Conner. Whereupon it is ordered and adjudged by this court that it be so certified to the said Circuit Court.

"M. M. Mc Lean"

William McElmoyle pltff &c
vs
Levy Florence's admr

This cause was submitted to the consideration of the court on the record by Mr King of counsel for the defendant in Error.

The State of Rhode Island - Complt
vs
The Commonwealth of Massachusetts

Bill in Equity

Upon agreement of counsel filed. It is ordered by the court that the complainant in this cause do file a replication to the plea and answer of the defendant, within six months from the last day of the present term of this court and in default thereof that the Bill of the said complainant do thenceforward stand

Monday February 22d 1836 Continued.

Robert Brent Esqr, use of
The United States - appellt
vs
The Bank of Washington

The argument of this cause was commenced by Mr. Key for the appellant and continued by Mr. Holcombe for the appellee -

Proclamation being made the Court is adjourned until tomorrow morning at eleven o'clock -

Tuesday February 23d 1836.

Pursuant to adjournment the court met this morning at the Capitol -

Present -

The Honorable Joseph Story Senior Associate Justice
Smith Thompson
The Hon'ble John McLean Associate Justices
Henry Baldwin
James M Wayne
Alexander Hunter Esquire Marshal
William Thomas Carroll Clerk

Proclamation being made the Court is opened -

David B. Macomb, Henry M Bracknridge & Wm B. Mullall. — In Error to the Court of Appeals for the Territory of Florida.
v.
Marcus A. Armistead, admr of the L. Armistead dec'd — Mr Mason of counsel for the defendant in Error

- having stated to the court that the plaintiff in Error in this cause had lodged with the clerk of this court a transcript of the record in the above entitled cause but had failed to have said transcript filed in the cause docketed in pursuance of the rules of this court now here moved the court to docket and dismiss this writ of error under the 19th rule of this court of February Term 1816 and to dispense with the certificate required by said rule but to substitute said transcript for and as a certificate -

Tuesday February 23d 1836 Continued. —

the defendant in Error & entitle himself at the hearing of said rule must produce the certificate of the Clerk as required by the rule — Whereupon it is ordered by the Court that said motion be and the same is hereby overruled —

Estate of Joseph Marbolle. | This cause was submitted
65. vs Peffer & | to the consideration of the
Thos Pickvale | Court on the record and
printed argument of
Mr Fellerman of counsel for the plaintiff in Error.

Robert Brent for use | The argument of this
of the U. States. Appellt | cause was concluded
104 vs | by Mr Attorney General
The Bank of Washington. | for the appellant —

Proclamation being made the Court is adjourned until tomorrow 11 o'clock at two o'clock —

Wednesday February 24 1836.

Pursuant to adjournment the court met this afternoon at two o'clock. —

Present

The Honorable Joseph Story, Senior Associate Justice
Smith Thompson
The Hon'ble John McLean — Associate Justices
Henry Baldwin
James M. Wayne

Alexander Hunter Esquire Marshal
William Thomas Carroll Clerk —

Proclamation being made the court is opened. —

Benjamin L Gilman Jr Plff in Err. In Error to the Circuit
48 vs Court of the United
Peter G. Ruiss — States for the District of
West Tennessee. —

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of West Tennessee and was argued by counsel. On consideration whereof it is ordered that it appears to the court that the declaration and the matters therein contained are not sufficient in law for the said Gilman to have or maintain his aforesaid action against the said Ruiss because it appears upon the declaration that there is another joint judgment debtor, the said Dyne, who is not sued, nor any reason assigned why

Wednesday February 24th 1836 Continued —

This cause coming is considered by the court that the judgment of the said Circuit Court be and the same is hereby affirmed with cost —

Pr. Mr. Pres. Tilley Senior appeals

Proclamation being made the court is adjourned until Friday next at two o'clock P.M. —

Friday February 26 1836.

Pursuant to adjournment the court met this afternoon at the Capital —

Present

The Honorable Joseph Story Senior Associate Justice
Smith Thompson
The Honble John M'Lean Associate Justices —
Henry Baldwin &
James M Wayne

Alexander Hunter Esquire Marshal
William Thomas Carroll Clerk

Proclamation being made the court is opened

On motion first made to the court in this behalf by Mr Key. It is ordered that John P King Esquire of the State of Georgia be admitted to practice as an attorney and counsellor of this court and he was sworn accordingly —

On motion first made to the court in this behalf by Mr Wirt It is ordered that John McKean Esquire of the State of New York be admitted to practice as an attorney and counsellor of this court and he was sworn accordingly. —

Friday February 26 1836 Continued. -

James Mudd. admin of
Joseph Spallinger pltff in Er.
vs
79. Sarah Ann Allen Jr husband
and Children Elijah Linn, Julia
Maria & John Henry Allen -

In Error to the Circuit Court
of the United States for the
District of Columbia holden
in and for the County of
Washington

This cause came on to be
heard on the transcript of
the record from the Circuit Court of the United States
for the District of Columbia holden in and for the
County of Washington and was argued by counsel, On
consideration whereof It is ordered and decreed by
this court that the judgment of the said Circuit Court
in this cause be and the same is hereby affirmed with costs

Jos. M. Nelson

Thomas Manby Appellt -
101. vs
John Peasley Alexander McIntyre
& George Cowen Exrs of James
Wilkin and & James Rhea -

On appeal from the Circuit
Court of the United States
for the District of Colum-
bia holden in and for
the County of Washington

This cause came on to
be heard on the transcript of the record from the Circuit
Court of the United States for the District of Columbia
holden in and for the County of Washington and was
argued by Counsel - On consideration whereof It is
decreed and ordered by this court that the decree of the
said Circuit Court in this cause be and the same is
hereby affirmed with costs. -

Jos. M. Nelson

Friday February 26th 1830 Continued.

Samuel Dickens plff in Er. vs William M Bent. 83.

In Error to the Circuit Court of the United States for the District of West Tennessee.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of West Tennessee and was argued by counsel. On consideration whereof it is adjudged and ordered that the judgment of the said Circuit Court in this cause be and the same is hereby affirmed with costs and damages at the rate of 6% per centum per annum.

"J. M. Jno. Baldwin"

Robert Y Brent Surviving Exor of Robert Brent dec'd for the use of The United States. Plff in Er. vs The President and Directors of the Bank of Washington. 104.

On appeal from the Circuit Court of the United States for the District of Columbia holden in and for the County of Washington.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of Columbia holden in and for the County of Washington and was argued by counsel. On consideration whereof. It is decreed and ordered by this court that the decree of the said Circuit Court in this cause be and the same is hereby affirmed with cost.

"J. M. Jno. Baldwin"

Friday February 26th 1836. Continued. -

John Hagan pff in er
vs
Thomas A. Dorion

In Error to the District Court of the United States for the Southern District of Alabama

80.

This cause came on to be heard on the transcript of the record from the District Court of the United States for the Southern District of Alabama and was argued by counsel. On consideration whereof it appearing to this court that the amount or value of the matter in controversy does not exceed the sum of two thousand dollars. It is therefore ordered and adjudged by this court that this writ of error be and the same is hereby dismissed for the want of jurisdiction. — "Jos. M. Lea. McLean"

John Hagan pff in er
vs
Thomas A. Dorion

In Error to the District Court of the United States for the Southern District of Alabama

80

This cause came on to be heard on the transcript of the record from the District Court of the United States for the Southern District of Alabama and was argued by counsel. On consideration whereof it appearing to this court that the amount or value of the matter in controversy does not exceed the sum of two thousand dollars. It is therefore ordered and adjudged by this court that this writ of error be and the same is hereby dismissed for the want of jurisdiction. "Jos. M. Lea. McLean"

Friday February 26 1836 Continued. –

87. John Hagan plff in Er vs Thomas S. Forson – In Error to the District Court of the United States for the Southern District of Alabama.

This cause came on to be heard on the transcript of the record from the District Court of the United States for the Southern District of Alabama and was argued by counsel. On consideration whereof. It appearing to this court that the amount or value of the matter in controversy does not exceed the sum of two thousand dollars. It is therefore ordered and adjudged by this court that this writ of error be and the same is hereby dismissed for the want of jurisdiction. –

"P. V. Mr. Mc Kean"

93 John Hagan plff in Er vs Charles F. Lucas. In Error to the District Court of the United States for the Southern District of Alabama.

This cause came on to be heard on the transcript of the record from the District Court of the United States for the Southern District of Alabama and was argued by counsel. On consideration whereof. It appearing to this court that the amount or value of the matter in controversy does not exceed the sum of two thousand dollars. It is therefore ordered and adjudged by this court that this writ of error be and the same is hereby dismissed for the want of jurisdiction. –

"P. V. Mr. Mc Kean"

Friday February 26 1836. Continued. –

94	John Hagan pltff in Er vs Charles L. Lucas –	In Error to the District Court of the United States for the Southern District of Alabama –

This cause came on to be heard on the transcript of the record from the District Court of the United States for the Southern District of Alabama and was argued by Counsel – On consideration whereof. It appearing to this Court that the amount or value of the matter in controversy does not exceed the sum of Two thousand dollars. It is therefore ordered and adjudged by this Court that this writ of error be and the same is hereby dismissed for the want of jurisdiction. – "Jno. McKinley. Jno. McLean"

96.	John Hagan pltff in Er vs William McCabe –	In Error to the District Court of the United States for the Southern District of Alabama

This cause came on to be heard on the transcript of the record from the District Court of the United States for the Southern District of Alabama and was argued by Counsel – On consideration whereof. It appearing to this Court that the amount or value of the matter in controversy does not exceed the sum of Two thousand dollars. It is therefore ordered and adjudged by this Court that this writ of error be and the same is hereby dismissed for the want of jurisdiction –

"Jno. McKinley. Jno. McLean"

Friday February 26 1836. Continued.

97. John Hagan plff in Er vs William McDade

In Error to the District Court of the United States for the Southern District of Alabama.

This cause came on to be heard on the transcript of the record from the District Court of the United States for the Southern District of Alabama and was argued by counsel; on consideration whereof. It appearing to this court that the amount or value of the matter in controversy does not exceed the sum of two thousand dollars. It is therefore ordered now adjudged by this court that the writ of error be and the same is hereby dismissed for the want of jurisdiction. —

"P. V. Jno. McLean"

98. John Hagan plff in Er vs William McDade —

In Error to the District Court of the United States for the Southern District of Alabama.

This cause came on to be heard on the transcript of the record from the District Court of the United States for the Southern District of Alabama and was argued by counsel, On consideration whereof It appearing to this court that the amount or value of the matter in controversy does not exceed the sum of two thousand dollars. It is therefore ordered and adjudged by this court that this writ of error be and the same is hereby dismissed for the want of jurisdiction —

"P. V. Jno McLean"

Friday February 20 1830. Continued.

John Hagan - pff in Er.
vs.
Charles F. Lucas —

In Error to the District Court of the United States for the Southern District of Alabama

This cause came on to be heard on the transcript of the record from the District Court of the United States for the Southern District of Alabama and was argued by Counsel; On Consideration Whereof, It is adjudged and ordered by this court that the judgment of the said District Court in this cause be and the same is hereby affirmed with costs. —

"P. Mr. Lee. Mr. McLean".

Samuel B. Tie - pffs in Er.
vs.
Nathaniel Lick, James Lick, and William McClain

In Error to the Circuit Court of the United States for the District of West Tennessee.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of West Tennessee and was argued by Counsel. On Consideration whereof, It is ordered and adjudged by this Court that the judgment of the said Circuit Court in this cause be and the same is hereby reversed and that this cause be and the same is hereby remanded to the said Circuit Court for further proceedings —

"P. Mr. Justice Thompson"

Friday February 26 1836. Continued.

John McLean, Mary McLean, George McKay and Janet his wife and Mary McLean the Elder — Appts

28. vs

James Wallace admr of James Hendley McLean, and Archibald McClellan and Mary his wife. —

On appeal from the Circuit Court of the United States for the District of Georgia. —

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of Georgia and was argued by Counsel — On consideration whereof. It is the opinion of this court that the mortgage debt should be paid out of the real and personal property embraced by the Mortgage pro rata — Whereupon it is ordered, adjudged and decreed by this court that the decree of the said Circuit Court in this cause be and the same is hereby reversed & the said Circuit Court for further proceedings —

"Jno. McL. Ins. McLean"

The United States. Plff

100. vs

Joseph Parmen — Def

On a certificate of division in opinion between the Judges of the Circuit Court of the United States for the District of New Jersey.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of New Jersey and on the questions and points on which the Judges of the said Circuit Court were opposed in opinion and which were certified to this Court for its opinion agreeably to the act of Congress in such

Friday February 26 1836 Continued -

On Consideration whereof. It is the opinion of this Court first that the head pistareen so called is no part of a Spanish Milled dollar, and Secondly that such pistareen a piece of coin is not a silver coin of Spain made current by law in the United States - Whereupon it is ordered and adjudged by this court that it be so certified to said Circuit Court -

"J. P. Mc Lean. Thompson"

Matthew St. Clair Clarke
102 vs Appeal &c.
Conrad Kownslar -

In Error to the Circuit Court of the United States for the District of Columbia holden in and for the County of Washington

This Cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of Columbia holden in and for the County of Washington and was argued by Counsel - On Consideration whereof. It is adjudged and ordered by this Court that the judgment of the said Circuit Court in this Cause be and the same is hereby affirmed with costs and damages at the rate of six per centum per annum

"J. M. Mc Lean. Story Senior Associate"

Samuel Packer Val. Compt
92. vs
Henry Nixon Executor of
Matthew Aspden dec'd

On a certificate of division in opinion between the Judges of the Circuit Court of the United States for the District of Pennsylvania -

Friday February 26 1836 Continued –

of the record from the Circuit Court of the United States for the District of Pennsylvania and on the certificate of division in opinion between the Judges of the said Circuit Court upon the following questions, viz: –

1st Whether it is competent for an officer to make the plea in bar to the petition of John A. Brown, or to any part thereof and if so to what part?

2d Whether the rule moved for by Mr Ingersoll and Mr Sergeant on the 14th day of November 1835 in the following words "Mr Sergeant for John Aitken of Lancaster, moves for a rule on Mrs Poole and Mrs Jones and on John A Brown administrator of John Aitken of London, to show cause why they should not be required to elect on what petition a bill they will proceed and to abide by the one elected and abandon the other" – Mr J. R. Ingersoll for the defendants in Mr Wilson, makes the same motion as Mr Sergeant" – And these questions were argued by counsel – On consideration whereof It is the opinion of this Court that neither of these questions is of such a nature as are contemplated to be certified to this Court under the act of the 29th of April 1802 ch: 32. – That they are questions respecting the practice of the Court in Equity causes and depend upon the exercise of the sound discretion of the Court in the application of the general rules which regulate the course of Equity proceedings to the circumstances of each particular case, and therefore this Court have no jurisdiction to answer the same – But it is to be understood that in the present case this general discretion

Friday February 26th 1830 Continued

to the making of parties and other proceedings contained in the mandate when the cause was remanded at the last January Term of this court. It is therefore ordered and adjudged that this opinion be certified to the said Circuit Court and that the cause be remanded for further proceedings.—

Jos. Mr Kn. Story. Chief Justice

William McElmoyle use of
Isaac T. Bailey. pltff in Er
vs
John J Cohen & wife of
Lucy Florence defendt in Er

105.

In Error to the Circuit Court of the United States for the District of Georgia

On motion of W. King of Counsel for the defendant in Error, the plaintiff in Error being three times solemnly called by the Marshal to come into court and prosecute his writ of error and failing so to do. It is ordered and adjudged by the court that the writ of error to the Circuit Court of the United States for the District of Georgia be and the same is hereby dismissed with costs —

Jos. Mr Kn. Story. Chief Justice

Thomas Jackson & William G
& Maria L. Jackson by the said
Thomas Jackson their Father and
next Friend — Appellants

vs

William E. Ashton —

No 103
1834.

On appeal from the Circuit Court of the United States for the District of Pennsylvania

Mr Key of Counsel for the appellant now here

Friday February 26 1830. Continued.-

leave to amend the record in this case by inserting an allegation of citizenship of the parties and to reinstate this case on the docket of this Court. - On Consideration Whereof, It is the opinion of the Court that under the circumstances of the case the record cannot be amended nor the case reinstated on the Calendar of this Court - Whereupon it is Considered and ordered by the Court that said motion be and the same is hereby overruled. -

"Jno. M. Van Ness Clerk Senior Associate"

3420.

August Term 1836.

At a session of the Supreme Court of the United States begun and held at the Capitol of the United States in the City of Washington being the present Seat of the National Government of the United States, on the first Monday of August (being the first day of the same month) in the year of our Lord one thousand Eight hundred and thirty six and of the Independence of the United States the Sixty first, agreeably to the Statute in such case made and Provided, The Honorable Roger B. Taney Chief Justice of the Supreme Court of the United States and resident of the fourth circuit in the State of Maryland was present, and the Clerk of said Supreme Court attending. It is ordered by the said Chief Justice that the following entries be made to wit:—

Andrew Jackson President of the United States of America, To all who shall see these Presents Greeting:

Know ye, That reposing special trust and confidence in the wisdom, uprightness and learning of Roger B. Taney of Maryland, I have nominated, and, by and with the advice and consent of the Senate do appoint him Chief Justice of the Supreme Court of the United States, and do authorize and empower him to execute and fulfil the duties of that Office according to the Constitution and Laws

to hold the said office, with all the powers, privileges and emoluments to the same of right appertaining unto him, the said Roger B. Taney, during his good behaviour.

In testimony whereof I have caused these Letters to be made patent and the seal of the United States to be hereunto affixed. Given under my hand, at the City of Washington, the fifteenth day of March, in the year of our Lord one thousand Eight Hundred and Thirty six and of the Independence of the United States of America the sixtieth.

Andrew Jackson

By the President

John Forsyth Secretary of State.

To the Chief Justice and Associate Justices of the Supreme Court of the United States and all others whom it may concern.

Having, by and with the advice and consent of the Senate, appointed Roger B. Taney Chief Justice of the Supreme Court of the United States in the place of John Marshall deceased, and Philip P. Barbour Associate Justice of the same Court in the place of Gabriel Duvall resigned, I do, hereby, in pursuance of the authority of the law in such case provided, allot the fourth Circuit to the said Roger B. Taney, the fifth Circuit to

to the said Philip P. Barbour, and continue the last allotment, heretofore made, to the other Associate Justices of the said Court.

Given under my hand, at the City of Washington the twenty second day of March, one thousand Eight hundred and thirty six and of the Independence of the United States the Sixtieth.

Andrew Jackson

By the President

John Forsyth Secretary of State.

The United States of America

District of Maryland, to wit

At a Circuit Court of the United States for the fourth Circuit in and for the Maryland District begun and held at the City of Baltimore on the first day of November in the year of our Lord one thousand Eight hundred and thirty five.

Present the Honorable

Elias Glenn Judge of Maryland District

Nathaniel Williams Esquire Attorney

Nicholas Snider Esquire Marshal

Thomas Spicer Clerk

Among other were the following proceedings, to wit.

Be it remembered that on the twenty Eighth day of March in the year of our Lord one thousand Eight hundred and thirty six, The Honorable

August Term 1836.

here, a Commission from the President of the United States, appointing him by and with the advice and consent of the Senate, Chief Justice of the Supreme Court of the United States. Whereupon the Honorable Roger B. Taney took and subscribed the following oaths before the Honorable Elias Glenn Judge of the United States in and for the Maryland District Court.

I Roger B. Taney do solemnly swear that I will support the Constitution of the United States.

R. B. Taney
Chief Justice Sup: Ct. U.S.

I Roger B. Taney do solemnly swear that I will administer justice without respect to persons, and do equal to the Poor and to the Rich, and that I will faithfully and impartially discharge and perform all the duties incumbent on me as Chief Justice of the Supreme Court of the United States according to the best of my abilities and understanding, agreeably to the Constitution and laws of the United States. So help me God.

R. B. Taney
Chief Justice Sup. Court U. S.

The United States of America
District of Maryland, to wit.

I Elias Glenn Judge of the United States in and

August Term 1836.

for the Maryland District do hereby Certify, that on this day the Honorable Roger B. Taney, Chief Justice of the Supreme Court of the United States, appeared before me, and took and subscribed the aforegoing oaths. Given under my hand at the City of Baltimore in the District aforesaid, this twenty Eighth day of March in the year of our Lord one thousand Eight Hundred and thirty six.

Elias Glenn Dist Judge

In Testimony that the aforegoing is a true Copy taken from the Record and proceedings of the Circuit Court aforesaid. I hereunto subscribe my name, and affix the Seal of the said Circuit Court this Twenty ninth day of July in the year of our Lord one thousand Eight hundred and Thirty six.

L.S.

Tho. Spicer Clk.
Dist. Ct.

Cond	1825 Feb. 1	John M'Kinney and Ray Mass.	William M'Connel pltff in Error	Kentucky - Ct of Appeals 1836 Aug. ordered to be discontinued
1. Edmund Carlan		John Carroll		
Thomas Taylor	1827 Jan. 25	Thomas Hammonds admr &c	Appeal	Alexandria C. C. U. S. 1836. Aug. Ordered to be continued
2. G. Lee Jones		George Washington's Exors		

August Term 1836.

Fuller Webster 3.	1830 Mar 19.	The Proprietors of Charles River Bridge Plffs in Er The Proprietors of Warren Bridge & al.	Massachusetts C. C. U. S. Dist. Ct. 1836 Aug. Ordered to be Continued.
White Wilde & Wm. Davis 4. Clay. Bibb Hardin	1832 Dec 15.	George W. Briscoe. Adams Fullerton and John Briscoe — Plffs in Er. The Comth Bank of Kentucky	Kentucky Ct of Appeals 1836 Aug. Ordered to be continued.
Key Key 5	1832 Dec 11	Exrs of John Rother & al pltffs. William Lemon & al.	Kentucky C. C. U. S. Cer of division 1836 Aug ordered to be Continued.
Ogden 6. White Jones	1833. Jan 11	The Mayor &c of the City of New York Plff Astor & Wife	New York. C. C. U. S Cer. of division 1836. Aug. Ordered to be continued
Webster Badger 7. Sergeant	1834 Jan 20.	Temperance Buchanan & Jane L. Avery Plffs in Er. The Exrs of Margaret Calimer & al.	S. Carolina C. C. U. S 1836. Aug. ordered to be continued
Sergeant 8. Webster	July 1.	Exrs of Margaret Calimer & al Plff in Er. Williams & Peck	S. Carolina C. C. U. S 1836 Aug. Ordered to be continued
Porter Webster 9. Taller Jones	Aug. 4.	The Heirs of Nicholas Wilson Plffs in Er. The Life & Fire Ins. Co. of New York	E. Louisiana C. C. U. S. 1836. Aug. Ordered to be continued.

August Term 1836.

[illegible]	1834. Dec. 18	John W. Woolridge &c.	pltff. in Err.	Kentucky. Ct of Appeals
10.				1836. Aug. Ordered to be continued
		Com.th Bank of Kentucky		
[illegible] Ch.	Dec. 19	Nathaniel S. Benton	Dist. Atty. U.S. Appellee	New York.
11.				1836. Aug. ordered to be continued
[illegible]ndley		U. S. Woolsey & al.		
[illegible]gnate	1835 Jan. 6.	Joseph Lynch —	Pltff in Err.	Georgia. Sup. Ct Cass County
12.				1836 Aug ordered to be continued
		Ambrose Harnage		
[illegible]geant	Jan. 5.	Johnson Pope —	Pltff in Err.	Georgia Sup. Ct. Cass County
13.				1836 Aug. Ordered to be continued
		The State of Georgia		
[illegible]ford	Jan. 22	Nathan Carr & al. —	Appellants	R. Island. C. C. U. S.
14.				1836 Aug. Ordered to be continued
[illegible]ginia [illegible]ppoli		Joseph Norris		
	Feb. 11	Geo. W. Worland	Pltff in Err.	Kentucky. Ct. of Appeals
15.				1836. Aug. Ordered to be continued
		Bank Com.th of Kentucky		
	Feb. 11	George W. Worland & al.	Pltff in Err.	Kentucky. Ct of Appeals
16				1836. Aug. Ordered to be continued
		Bank Com.th of Kentucky		

August Term 1836.

6 Johnson	1835 Feb 11	Burgess Rel & al	Plff in Er.	H. Pennsylvania, 6. 6 U.S. 1835 Subsidiel Command- ments.
17.				1836 Aug. Ordered to be continued.
Forsaker		Lessee of John Bleager & al.		
Grant	July 25	John G. Stevenson & Bank	Def'ts Atty	E. Louisiana. 2 C. U. S.
18.				1836. Aug Ordered to be continued
Hardin		Jacob Hodar & Charles Buchanan		
Jones Anthony	Nov 18	James M'Clyde —	Plff in Er.	Pennsylvania Sup. Ct.
19.				1836 Aug. Ordered to be continued
Bank		Lessee of William Hoey		
Harlan	Dec 14	Andrew Paddock & al	Plff in Er.	Kentucky. Ct of Appeals
20.				1836. Aug Ordered to be continued.
		Bank Com.th of Kentucky		
Harlan	Dec 14.	Andrew Paddock & al.	Plff in Er.	Kentucky. Ct. of appeals
21.				1836 Aug Ordered to be continued
		Bank Com.th of Kentucky		
Harlan	Dec 14	Andrew Paddock & al.	Plff in Er.	Kentucky Ct. of Appeals
22.				1836. Aug. Ordered to continued.
		Bank Com.th of Kentucky		
Fellowman Rogers	1836. Jan 2.	Lessee of Gabriel Schuyler & wife	Plff in Er.	Ct. Pennsylvania. Sup. U.S.
23.				1836 Aug. ordered to be continued
Wells		Robert Burke & al		

August Term 1836

Gillmore Rogers.	1836. Jan. 2.	Lessee of Joseph Marlott Plff in Err	C. Pennsylvania S.C. U.S.
24.			1836. Aug. Ordered to be continued
Watts		John Silk & al.	
	Jan. 5.	Lessee of Margaret Latimer & al. Plff in Err	N. Carolina C.C. U.S.
25.			1836. Aug. Ordered to be continued
Webster Badger		David Blackwood	
		Jan. J. Williams & A. Badger & al. Plff in Err	Kentucky Ct. of Appeals
26.			1836. Aug. Ordered to be continued
		Bank Comth of Kentucky	
		Jan. J. Williams Thurgis & al. Plff in Err	Kentucky Ct. of Appeals
27.			1836. Aug. Ordered to be continued
		Bank Comth of Kentucky	
		Jan. J. Joel P. Williams & al. Plff in Err	Kentucky Ct. of Appeals
28			1836 Aug. Ordered to be continued
		Bank Comth of Kentucky	
		Jan. J. John L. Bridges & al. Plff in Err	Kentucky Ct of Appeals
29.			1836 Aug. Ordered to be continued
		Bank Comth of Kentucky	
		Jan. J. John Adair & al. Plff in Err	Kentucky Ct of Appeals.
30			1836 Aug. ordered to be continued
		Bank Comth of Kentucky	

August Term 1836.

1836 July 31	Wm Williams Pawling & al. — Plffs in Er Bank Com'th of Kentucky	Plffs in Er	Kentucky Ct of Appeals 1836 Aug. Ordered to be continued
July 31	Hazel Prather & al — Plffs in Er Bank Com'th of Kentucky	Plffs in Er	Kentucky Ct of Appeals. 1836 Aug. Ordered to be continued.
Jan'y 30	Christopher Chinn & al - Plffs in Er Bank Com'th of Kentucky	Plffs in Er	Kentucky Ct of Appeals. 1836 Aug. Ordered to be continued.
Harlan Jan'y 31	Susan G. Peddicord & al. Plffs in Er Bank Com'th of Kentucky	Plffs in Er	Kentucky Ct of Appeals. 1836 Aug. Ordered to be continued
Harlan Jan'y 31	Thomas Hardesty & al Plffs in Er Bank Com'th of Kentucky	Plffs in Er	Kentucky Ct of Appeals 1836 Aug. Ordered to be continued
Harlan Jan'y 31	Wm Williams v. M'Cannis & al - Plffs in Er Bank Com'th of Kentucky	Plffs in Er	Kentucky Ct of Appeals 1836 Aug. Ordered to be Continued
Jan'y 31	Wm Williams & James Eidson — Plffs in Er Bank Com'th of Kentucky		Kentucky Ct of Appeals 1836 Aug. Ordered to be continued

August Term 1836.

1836
June 15 Jesse Beasley & al. — Plffs in Err — Kentucky Ct of Appeals

38 — 1836 Aug. Ordered to be continued

Bank Comth of Kentucky

June 5 John Smith & al. — Plffs in Err — Kentucky Ct of Appeals

39. — 1836 Aug. Ordered to be continued

Bank Comth of Kentucky

June 15 John Smith & al. Plffs in Err — Kentucky Ct of Appeals

40. — 1836 Aug. Ordered to be continued

Bank Comth of Kentucky

Smith Butler — June 9 Samuel Beazie — Plff — Maine C C U S

1836 Aug ordered to be continued

41

Rogers Shipley & Webster — Ira Waddleigh & al.

Feb — James M. Reynolds & al. — Plffs in Err — Mississippi C C U S

42. — 1836 Aug. ordered to be recorded

James — James S. Douglass & al.

July — Thomas L. Owings & al. — Plffs in Err — Kentucky C C U S

43. — 1836 Aug. ordered to be recorded.

Lessee of Luke Tiernan

Forest — May — Lessee of James H. Ewing — Ohio C C U S

1836 Aug. ordered to be recorded.

44. — Jacob Burnet

3432.

August Term 1836.

Motion	1836 Nov. 10	Charles M. Wickham Aff[t] in Er	E. Louisiana S.C. U.S.
45			1836 Reg. Ordered to be continued.
		Amos Webb & al	
Mty Exn. July		The United States Aff[t] in Er	E. Louisiana S.C. U.S.
46			1836 Reg. Ordered to be continued
		Nathaniel Cox	
Mty Exn. July		The United States Aff[t] in Er	E. Louisiana S.C. U.S.
47			1836 Reg. Ordered to be continued.
		Ebenezer M. Ripley	
Mty Exn. July		The United States Aff[t] in Er	E. Louisiana S.C. U.S.
48			1836 Reg. Ordered to be continued
		The Ship Fortune	
Mty Exn. July		The United States Aff[t] in Er	E. Louisiana S.C. U.S.
49			1836 Reg. Ordered to be continued
		The Ship Garonne	

3434-

January Term 1837

At the Capitol of the United States in the City of Washington and District of Columbia being the present seat of the National Government of the United States on the second Monday of January (being the ninth day of the same month) in the year of our Lord one thousand eight hundred and thirty seven, and of the Independence of the United States the sixty first, the Supreme Court of the United States met agreeably to Law —

Present

The Honorable	Roger B. Taney	Chief Justice
	Joseph Story	
	Smith Thompson	
The Honble	John McLean	Associate Justices.
	Henry Baldwin &	
	Philip P. Barbour.	

Alexander Hunter Esquire Marshal
William Thomas Carroll Clerk

Proclamation being made the Court is opened.

The Honorable Philip P Barbour produced Letters patent from the President of the United States dated the fifteenth day of March in the year of our Lord one thousand eight hundred and thirty six and of the Independence of the

Monday January 9th 1837

him an Associate Justice of the Supreme Court of the United States in the following words, viz.

"Andrew Jackson President of the United States of America.—

"To all who shall see these presents Greeting:

"Know ye, that reposing special trust and confidence in the wisdom, uprightness and learning of Philip P. Barbour of Virginia, I have nominated, and, by and with the advice and consent of the Senate do appoint him one of the Associate Justices of the Supreme Court of the United States and do authorize and empower him to execute and fulfil the duties of that office according to the Constitution and Laws of the United States, and to have and to hold the said office, with all the powers privileges and emoluments to the same of right appertaining unto him the said Philip P Barbour during his good behaviour.

"In Testimony whereof I have caused these letters to be made patent and the seal of the United States to be hereunto affixed.

Given under my hand at the City of Washington the fifteenth day of March in the year of our Lord one thousand eight hundred and thirty six and of the Independence of the United States of America the sixtieth.—

Andrew Jackson

By the President

John Forsyth, Secretary of State"

Monday January 9th 1837 Continued.

"To the Chief Justice and Associate Justices of the Supreme Court of the United States and all others whom it may concern —

"Having by and with the advice and consent "appointed Roger B. Taney Chief Justice of the "Supreme Court of the United States in the place "of John Marshall deceased, and Philip P. Barbour "Associate Justice of the same Court in the place "of Gabriel Duvall resigned, I do hereby, in "pursuance of the authority of the law in such "cases provided, allot the Fourth circuit to the "said Roger B. Taney, the Fifth circuit to the said "Philip P. Barbour and continue the last allotment "heretofore made to the other Associate Justices of "the said Court. —

"Given under my hand, at the City of "Washington the 22nd day of March 1836 and of the "Independence of the United States the Sixtieth

Andrew Jackson

By the President: —

John Forsyth Secretary of State."

United States of America North Carolina District.

Circuit Court Fifth Circuit. —

At a circuit court of the United States begun and "holden for the district aforesaid in the City of Raleigh "on the 12th day of May A.D. 1836.

"Present the Honorable Henry Potter District Judge "of the United States for the District of N.C. Carolina.

Philip P. Barbour Esquire produced a commis-

Monday 9th January 1837 Continued

Supreme Court of the United States and an allotment by the President of the United States assigning him to the fifth Judicial Circuit composed of the District of North Carolina and Virginia, and the oath of Office having been administered to him by Henry Potter Judge of the United States for the District of North Carolina in open court he thereupon took his seat as Presiding Judge of this Court.

N. Mr. Haywood Clerk"

Which were read in open court and he took his seat accordingly —

The court gave notice to the bar that they would commence the call of the Docket tomorrow under the rules of court. —

Proclamation being made the court adjourned until tomorrow morning at eleven oclock. —

Tuesday January 10th 1837 -

pursuant to adjournment the court met this morning at the Capitol -

Present

The Honorable Roger B. Taney Chief Justice
Joseph Story
Smith Thompson
The Hon'ble John McLean } Associate Justices
Henry Baldwin
Philip P. Barbour.
Alexander Hunter Esquire Marshal
William Thomas Carroll Clerk -

Proclamation being made the court is opened.

On motion first made to the court in this behalf by Mr. Webster - It is ordered that James T. Austin and Simon Greenleaf Esquires of the State of Massachusetts be admitted to practice as attorneys and counsellors of this court and they were severally sworn accordingly -

On motion first made to the court in this behalf by Mr. Wirt - It is ordered that Henry Vanderlyn Esquire of the State of New York be admitted to practice as an attorney and counsellor of this court and he was sworn accordingly -

Tuesday January 10th 1837 Continued.

On motion first made to the Court in this behalf by Mr Peters - It is ordered that John I. Pearson Esqr of the State of Pennsylvania be admitted to practice as an Attorney and Counsellor of this Court and he was sworn accordingly. —

Lessee of Joseph Marlatt
24 vs pff in Er
John Silk Def — This cause was submitted to the consideration of the Court on the record and printed arguments by Mr Fetterman for pltff in Error and by Mr Rogers for defendants in Error. —

Thomas Hammond & al Def
2. vs Appts
George Washington's Exrs — This cause having been called for argument under the 36th Rule of this court and no counsel appearing to argue the same - It is now here ordered by the court that said cause be and the same is hereby postponed to the foot of the docket. —

John Walker Def: Lessee
3 vs pff
William Simon Def — This cause having been called for argument under the 36th Rule of this court and no counsel appearing to argue the same - It is now here ordered by the Court that said cause be and the same is hereby postponed to the foot of the docket. —

Tuesday January 10th 1837. Continued

7. Temperance Buchanan — vs — Plff in Er
Lessee of Margaret Talmerval

This cause having been called for argument under the 36th rule of this Court and no counsel appearing to argue the same. It is now here ordered by the Court that this cause be and the same is hereby postponed to the foot of the docket

8. Lessee of Margaret Talmerval — vs — Plff in Er
William Potter. — —

This cause having been called for argument under the 36th rule of this Court and no counsel appearing to argue the same. It is now here ordered by the Court that this cause be and the same is hereby postponed to the foot of the docket.

9. The Heirs of Nicholas Wilson — vs — plff in Er
The Fire Ins. Co. City of York

This cause having been called for argument under the 36th rule of this Court and no counsel appearing to argue the same. It is now here ordered by the Court that this cause be and the same is hereby postponed to the foot of the docket. —

14. Nathan Carrol. Appellt — vs —
Joseph Hoover —

This cause having been called for argument under the 36 rule of this Court and no counsel appearing to argue the same. It is now here ordered by the Court that this cause be and

Tuesday January 10th 1837 Continued -

18. John G. Stevenson pltff in Er
vs
Jacob Keller val —

This cause having been called for argument under the 30th rule of this court and no counsel appearing to argue the same - It is now here ordered by the court that this cause be and the same is hereby postponed to the foot of the docket. -

19. James McBride pltff in Er
vs
Lessee of Wm Hoey —

This cause having been called for argument under the 30th rule of this court and no counsel appearing to argue the same - It is now here ordered by the court that this cause be and the same is hereby postponed to the foot of the docket. —

23. Lessee of Margaret Latimer val
vs pltff in Er.
David Underwood —

This cause having been called for argument under the 30th rule of this court and no counsel appearing to argue the same - It is now here ordered by the court that this cause be and the same is hereby postponed to the foot of the docket. —

41. Samuel Teazie - pltff
vs
Ira Wadleigh val

This cause having been called for argument under the 30th rule of this court and no counsel appearing to argue the same - It is now here ordered by the court that this cause be and the same is hereby postponed to the foot of the docket. -

Tuesday January 10th 1837 Continued...

33.	Lessee of Gabriel Twyman vs Plff in Er Robert Burke Def't.	This cause having been called for argument under the 36th rule of this Court and no counsel appearing to argue the same. It is now here ordered by the court that this cause be and the same is hereby postponed to the foot of the docket.
42.	James M. Reynolds Def't vs Plff in Er James D. Douglass Def't	This cause having been called for argument under the 36th rule of this court and no counsel appearing to argue the same. It is now here ordered by the court that this cause be and the same is hereby postponed to the foot of the docket.
44.	Lessee of James K. Ewing vs Jacob Burnet	This cause having been called for argument under the 36th rule of this court and no counsel appearing to argue the same. It is now here ordered by the court that this cause be and the same is hereby postponed to the foot of the docket.
43.	Thomas B. Owings Def't vs Plff in Er The Lessee of Luke Iverman	This cause having been called for argument under the 36th rule of this Court and no counsel appearing to argue the same. It is now here ordered

Tuesday January 10th 1837 Continued -

by the court that this cause be and the same is hereby postponed to the foot of the docket -

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Proclamation being made the court is adjourned till tomorrow morning at eleven oclock -

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Wednesday January 11th 1837

Pursuant to adjournment the Court met this morning at the Capitol. —

Present

The Honble	Roger B Taney	Chief Justice
	Joseph Story	
	Smith Thompson	Associate Justices
	John McLean	
	Henry Baldwin &	
	Philip P Barbour	

Alexander Hunter Esqre Marshal
William Thomas Carroll Clerk —

Proclamation being made the Court is opened —

On motion first made to the Court in this behalf by Mr Butler. It is ordered that Washington M Hopkins Esquire of the State of New York be admitted to practice as an Attorney and Counsellor of this Court and he was sworn accordingly. —

9. The Heirs of Nicholas Wilson vs Joseph Jeffers et al. The Life & Fire Insurance Company of New York — In Error to the District Court of the United States for the Eastern District of Louisiana. —

Mr Butler of counsel for the defendants in Error having filed and read in open court the following suggestion in writing, to wit "The defendants in Error by their

Wednesday January 11 1837. Continued

"nelson of the record in this case viz. That the Clerk "has omitted to return to this court with the record "transmitted by him in obedience to the writ of "Error issued in said cause the following papers "and documents — 1st The proceedings of the family "meeting in relation to the said N. Wilson's Estate "and family of the 9th May 1825 — 2nd The adjudication "of his property to said Wilson in the death of said Wilson "3d The compromise or transaction of the 16th May 1825 "before C. R. Tranger Notary Public." —

4th Original judgment in the hand writing of Josiah "Barker at the bottom of which is a memorandum in "the hand writing of Franklin W. Bed, then Deputy Clerk "in words and figures following: —

"Judgt signed 1st June 1826.

Judge M. S. Eastern Dist of La"

"and an erased certificate of P. Livermore then Attor- "ney for the representatives of said Wilson, in the words.

"The foregoing appears to be according to the agree "ment between the parties" P. Livermore" —

"and the Clerk to say when and by whom erased.

"5th. Another copy of the Judgment certified by Judge "Harper while Clerk of the said District Court re- "cord at Monroe certified by Judge Dutton and to which "copy the compromise is attached; also that Compromise, "and the assignment by Life and Fire Insurance Compa- "ny to Josiah Barker which is also attached to that copy.

"6th. Copy of the entry relative to writ of seizure

Wednesday January 11 1837 Continued -

as well as in the Clerks, with the amount of the fees paid and for what. By reason of which omissions and errors as aforesaid the said counsel now here moved the Court to award a writ of Certiorari to be directed to the Judge of the said District Court of the United States for the Eastern District of Louisiana commanding him that searching the records and proceedings of said District Court in this cause he shall certify to this Court under the Seal of said District Court whatever omissions and errors shall be found. - On Consideration whereof, It is now here ordered and adjudged by this Court that a writ of Certiorari be and the same is hereby awarded to be issued forthwith to be directed to the Judge of the said District Court commanding him to certify under the seal of said Court whatever omissions and errors shall be found in this cause and return the same with the said writ of Certiorari forthwith to this Court

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Nathaniel P. Benton, Asst. Atty &c
vs
M. Y. Woolsey Val -

appellee

It is now here ordered by the Court that this cause be and the same is hereby postponed for the present. -

Wednesday January 11 1837 Continued

14.	Nathan Carr Val. Appt vs Joseph Hopkins —	It is now here ordered by the Court that this cause be and the same is hereby postponed for the present. —
18.	John G Stephenson Val — vs Jeffs in Ex Jacob Kellar Val	It is now here ordered by the Court that this cause be and the same is hereby postponed for the present. —
19.	James M Brudie Jeffs in Ex. vs Lessee of William Hoey.	It is now here ordered by the Court that this cause be and the same is hereby postponed for the present. —
23.	Lessee of Gabriel Swaggerty Heirs vs Jeffs in Ex Robert Burke Val —	It is now here ordered by the Court that this cause be and the same is hereby postponed for the present. —
28.	Lessee of Margaret Latimer vs Jeffs in Ex David Underwood	It is now here ordered by the Court that this cause be and the same is hereby postponed for the present —
42.	James M Reynolds Val — vs Jeffs in Ex James S Douglass Val —	It is now here ordered by the Court that this cause be and the same is hereby postponed

Wednesday January 11 1837 Continued

43.	Thomas L. Owings Adm vs Jeffs Exrs Estate of Peter Sherman Dec'd	It is now here ordered by the Court that this cause be and the same is hereby postponed for the present.
44.	Estate of Samuel K. Fleming vs Jeffs Exrs Jacob Bruner	It is now here ordered by the Court that this cause be and the same is hereby postponed for the present.

Proclamation being made the Court is adjourned until tomorrow morning at eleven o'clock.

Thursday January 12 1837.

Pursuant to adjournment the court met this morning at the Capitol.

Present —

The Honorable Roger B. Taney Chief Justice.
Joseph Story
Smith Thompson
The Honble John McLean Associate Justices
Henry Baldwin
Philip P. Barbour.

Alexander Hunter Esquire Marshal
William Thomas Carroll Clerk. —

Proclamation being made the court is opened. —

Samuel Veazie. plff in Er
vs
41. Sea Waterleigh et al

The motion of Mr Smith to dismiss this cause was argued by Messrs Smith & Butler of Counsel for the plaintiff in support of the same, and by Mr Webster of Counsel for the defendants against the motion.

The United States appts
vs
46. Nathaniel Cox —

This cause was argued by Mr Attorney General for the appellants. —

The United States. plff in Er
vs
47. Eleazer W. Ripley —

In Error to the District Court of the United States for the Eastern District of

Thursday January 12. 1837. Continued.

On motion of Mr Attorney General of counsel for the plaintiffs in Error It is now here ordered by the court that this writ of Error to the District Court of the United States for the Eastern District of Louisiana be and the same is hereby dismissed.

"P. V. Ch. Jus. Taney."—

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50. John Wilcox &al. pltffs in Er
to
Thomas Kent &al —

It is now here ordered by the court that this cause be and the same is hereby postponed for the present —

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53. Daniel F. Rother, pltff in Er
to
John B. C. Lucas —

It is now here ordered by the court that this cause be and the same is hereby postponed for the present —

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54. Crawford Allen. pltff in Er
to
John Hammond —

It is now here ordered by the court that this cause be and the same is hereby postponed for the present —

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55. Robert H. Greenwood, pltff in Er
to
Aaron Crenshaw —

It is now here ordered by the court that this cause be and the same is hereby post.

Thursday January 12th 1837 Continued -

Thomas Evans pltff in Er 56. vs Sterling H. Gee —		It is now here ordered by the Court that this cause be and the same is hereby postponed for the present -

Proclamation being made the Court is adjourned until tomorrow Morning at eleven Oclock. —

Friday January 13th 1837 Continued

Pursuant to adjournment the Court met this morning at the Capitol -

Present

The Honorable Roger B Taney Chief Justice
Joseph Story
Smith Thompson
The Hon'ble John M'Lean Associate Justices
Henry Baldwin
Philip P. Barbour

Alexander Hunter Esquire Marshal
William Thomas Carroll Clerk

Proclamation being made the Court is opened

On motion first made to the Court in this behalf by N. Peters - It is ordered that Albert C. Greene Esq. of the State of Rhode Island be admitted to practice as an Attorney and Counsellor of this Court and he was sworn accordingly. -

On motion first made to the Court in this behalf by N. White - It is ordered that Theodore H. Wallis Esquire of the State of Louisiana be admitted to practice as an Attorney and Counsellor of this Court and he was sworn accordingly -

Friday January 13 1837.

2. Thomas Hammonds admr &c. vs. George Washington's Exor

This cause having been called for argument under the 36th rule of this Court and no Counsel appearing to argue the same. It is now here ordered by the Court that this cause be and the same is hereby postponed to the foot of the docket.

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5 Lessee of John Walker &c. vs. William Lemon &c.

This cause having been called for argument under the 36th rule of this Court and no counsel appearing to argue the same. It is now here ordered by the Court that this cause be and the same is hereby postponed to the foot of the docket.

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7 Temperance Buchanan &c. vs. Lessee of Margaret Latimer &c.

This cause having been called for argument under the 36th rule of this Court and no counsel appearing to argue the same. It is now here ordered by the Court that this cause be and the same is hereby postponed to the foot of the docket.

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8. Lessee of Margaret Latimer &c. vs. William Poteet

This cause having been called for argument under the 36th rule of this Court and no counsel appearing to argue the same. It is now here ordered by the Court that this cause be and the same is hereby postponed to the foot of the docket.

Friday January 13 1837 Continued

Nathan Carver Appt 41. to Joseph Hoxie —	This cause having been called for argument under the 36th rule of this Court and no Counsel appearing to argue the same. It is now here ordered by the Court that this cause be and the same is hereby postponed to the foot of the docket.

Lessee of Gabriel Tumys Plff in Er 22 to Robert Burke Defdt —	This cause was submitted to the consideration of the Court on the record and printed argument of Mr Fillmore of Counsel for the Plaintiff in Error —

James M Reynolds Val Piff in Er 42. to James D Douglass Val —	This cause having been called for argument under the 36th rule of this Court and no Counsel appearing to argue the same. It is now here ordered by the Court that this cause be and the same is hereby postponed to the foot of the docket —

Thomas D Ewings Val Piff in Er 43 to Lessee of Jake Vernon —	This cause having been called for argument under the 36th rule of this Court and no Counsel appearing to argue the same. It is now here ordered by the Court that this cause be and the same is hereby postponed to the foot of the docket —

Friday January 13th 1837 Continued

Charles McVicken. Plff in Er.
vs.
Amos Webb Defdt —

This cause was argued by Mr Stoner of counsel for the plaintiff in Error and submitted on printed argument by Mr Eustis of counsel for the defendants in Error. —

Proclamation being made the Court is adjourned until tomorrow morning at eleven oclock. —

Saturday January 14th 1837.-

Pursuant to adjournment the court met this morning at the Capitol -

Present

The Honorable Roger B. Taney Chief Justice

The Hoble | Joseph Story | Smith Thompson | John McLean | Henry Baldwin | Philip P Barbour. | Associate Justices.

Alexander Hunter Esqre Marshal
William Thomas Carroll Clerk -

Proclamation being made the court is opened -

46. The United States Appellants vs Nathaniel Ivy — | On appeal from the District Court of the United States for the Eastern District of Louisiana

This cause came on to be heard on the transcript of the record from the District Court of the United States for the Eastern District of Louisiana and was argued by counsel - On consideration whereof. It is now here ordered, adjudged and decreed by this court that this appeal be and the same is hereby dismissed for the want of jurisdiction - "J. M. Mc. McLean"

Saturday January 14th 1837 - Continued -

Samuel Veazie - Plff
41. vs
Sir Wadleigh, Lyfe Wadleigh, James Purrington & Samuel W. Bradley. —

On a certificate of division in opinion between the Judges of the Circuit Court of the United States for the District of Maine. —

On consideration of the motion made in this cause on a prior day of the present term of this court & Wednesday the 13th inst by Mr Smith of counsel for the plaintiff to assume this cause and of the arguments thereupon had, as well in support of as against the motion. It is now here considered by the court that said motion be and the same is hereby granted. Whereupon it is now here ordered and adjudged by this court that this cause be and the same is hereby with costs, and that the same be certified to the said Circuit Court under the seal of this court. — "P. W. Chs. Story"

Exrs of James Ewing
44. vs Plff in Er.
Jacob Burnet —

This cause having been called for argument under the 30th rule of this court and no counsel appearing to argue the same It is now here ordered by the court that this cause be and the same is hereby postponed to the foot of the docket.

Daniel F. Strother, Plff in Er
53. vs
John B. C. Lucas —

This cause having been called for argument under the 30th rule of this court and no counsel appearing to argue the same It is now here ordered by the court that this cause be and the same is hereby postponed to the foot of the docket —

Saturday January 14th 1837 Continued.

John Wilcox of Val. Plff in Er.
50 vs
Thomas Hunt Dft

This cause having been called for argument under the 36th rule of this court and no counsel appearing to argue the same. It is now here ordered by the court that this cause be and the same is hereby postponed to the foot of the docket

Crawford Allen. Appellt
54 vs
John Hammond

This cause having been called for argument under the 36th rule of this court and no counsel appearing to argue the same It is now here ordered by the court that this cause be and the same is hereby postponed to the foot of the docket

Robert H. Spencer & Als of Val
55. vs Plff in Er.
Andrew Crenshaw

This cause having been called for argument under the 36th rule of this court and no counsel appearing to argue the same. It is now here ordered by the court that this cause be and the same is hereby postponed to the foot of the docket.

Thomas Evans. Plff in Er
56. vs
Sterling H. Gee

This cause having been called for argument under the 36th rule of this court and no counsel appearing to argue the same. It is now here ordered by the court that this cause be and the same is hereby postponed to the foot of the docket.

Saturday January 14th 1837 Continued

Louis Lurngelon Exec of Edward Lurngelon appl 37 vs Benjamin Story —	This cause having been called for argument under the 36th rule of this court and no counsel appearing to argue the same. It is now here ordered by the court that this cause be and the same is hereby postponed to the foot of the docket. —

William Wales. pltff 60 vs The Merchants Louisville Insurance Company.	This cause having been called for argument under the 36th rule of this court and no counsel appearing to argue the same. It is now here ordered by the court that this cause be and the same is hereby postponed to the foot of the docket —

Bank of the United States 61. vs James Daniel dal	This cause having been called for argument under the 36th rule of this court and no counsel appearing to argue the same. It is now here ordered by the court that this cause be and the same is hereby postponed to the foot of the docket. —

John H. Clarke admr. of Willard W. Wilmore 62. vs Henry Mathewson dal	This cause having been called for argument under the 36th rule of this court and no counsel appearing to argue the same. It is now here ordered by the court that this cause be and the same is hereby postponed to the foot of the docket —

Saturday January 14 1837 Continued.

Benjamin F Lyon Complt } this cause having been
vs } called for argument under
51 James Hutchinson Defts } the 34th rule of this court &
no counsel appearing to
argue the same - It is now here ordered by the court
that this cause be and the same is hereby postponed
to the foot of the docket

Proclamation being made the court is adjourned
until Monday morning at eleven oclock.

Monday January 16 1837.

Pursuant to adjournment the Court met this morning at the Capitol —

Present

The Honorable Roger B. Taney Chief Justice

The Honble | Joseph Story, Smith Thompson, John McLean, Henry Baldwin & Philip P Barbour | Associate Justices —

Alexander Hunter Esqre Marshal
William Thomas Carroll Clerk —

Proclamation being made the Court is opened —

On motion, first made to the Court in this behalf by Mr Peters. It is ordered that I Rose Key Esquire of the District of Columbia be admitted to practice as an Attorney and Counsellor of this Court and he was sworn accordingly —

24 | Lessee of Joseph Marlatt — Plff in Error | vs | John Polk and James McDonald | In Error to the District Court of the United States for the Western District of Pennsylvania. —

This cause came on to be heard on the transcript of the record from the District Court of the United States for the Western District of Pennsylvania and was argued by counsel — On consideration whereof

Monday January 16 1837 Continued. –

that the judgment of the said District Court in this cause be and the same is hereby reversed and that this cause be and the same is hereby remanded to the said District Court with direction to award a venire facias de novo. –

"P. V. Chs. Barbour" –

"Ch. Chs. Taney" and "V. Chs. McLean, dissenting"

Lessee of John Walker &c 5. vs Pltff William Lemon &c	On motion of Mr Key of counsel for the plaintiff It is now here ordered by the Court that this cause be and the same is hereby continued.

Temperance Buchanan &c 7. vs Pltff in Er. Lessee of Margaret Latimer &c	On motion of Mr Webster of counsel for the plaintiff in Error. It is now here ordered by the Court that this cause be and the same is hereby continued. –

Lessee of Margaret Latimer &c 8. vs Pltff in Er. William Pollett –	On motion of Mr Webster of counsel for the defendant in Error. It is now here ordered by the Court that this cause be and the same is hereby continued. –

Wm G. Stephenson &c, Pltff 18. vs Jacob Keller &c –	This cause was argued by Mr Hardin for the defendants in Error.

Monday January 16. 1837. Continued.

14.	Nathan Carr val &c Pltf in Er vs Joseph Hosier	On appeal from the Circuit Court of the United States for the District of Rhode Island.

On motion of Mr. Greene of counsel for the appellee. It is now here ordered, adjudged and decreed by this court that this appeal be and the same is hereby dismissed.

"Jos. Mr. Ch. Jus: Taney"

19.	James C. Brice Pltff in Er vs Estate of William Hoey	On motion of Mr. Anthony of Counsel for the plaintiff in Error It is now here ordered by the Court that this cause be and the same is hereby continued.

25.	Estate of Margaret Palmer val vs Pltff in Er David Underwood.	On motion of Mr. Webster of counsel for the defendant in Error. It is now here ordered by the Court that this cause be and the same is hereby continued.

42.	James M. Reynolds val vs Pltff in Er James T. Douglas val.	On motion of Mr. Southard of counsel for the Plaintiff in Error. It is now here ordered by the court that this cause be and the same is hereby continued.

Monday January 16. 1837 Continued.

Thomas L. Owings &al
48. vs
Jeffries &
Luke Tiernan's Exrs

In Error to the Circuit Court of the United States for the District of Kentucky

W Underwood having filed and read in open Court the following agreement, towit "R. Wickliffe will as soon as he obtains a deed or deeds under the decree of the Circuit Court of the United States of the right of Elliott & Meredith and of Tiernan under his agreement, release all such claim to the houses & lots purchased by Richard Haines Esqr in the Town of Owingsville & Mrs R Bascom & she agrees that said Bascom shall have the benefit of the balance of the judgment of Tiernan against Owings but not to be levied upon any lands purchased by said Elliott & Meredith, Luke Tiernan or Wickliffe & Conveyed and Purchased. said Wickliffe agrees to release all claim for mesne profits & costs on suits depending in the Circuit Court. The claims of Hood & Underwood to be divided specifically R. Wickliffe what of those claims that are in Henderson's deeds & Smith. Suits in the Court of Appeals & Supreme Court to be dismissed agreed & in all suits pending each party pay their own costs. Bascom is to be release for himself & for T. L. Owings both for himself and as agent with the will annexed of T. L. Owings all title to the several tracts of land conveyed to Elliott & Meredith & to R Wickliffe. These deeds are to be executed simultaneously by each party. June 29th 1836.

R. Wickliffe

Monday January 16 1837 Continued.

now here moved the court to dismiss the writ of Error in this cause the matters in controversy having been settled and agreed between the parties. Whereupon it is now here considered, ordered and adjudged by this court that this writ of Error be and the same is hereby dismissed, each party paying his own costs in this court. — "Jr. W. Ch Jus Taney"

John McKinney Sol. &c. Plff in Er
v.
John Carroll

Mr. Mountmorency of counsel for the defendants in Error having suggested the death of John McKinney one of the plaintiffs in Error in this cause now here moved the court that unless the representatives of said John McKinney shall voluntarily become parties to the said writ of Error the same should be dismissed. On consideration whereof. It is now here ordered by the court that unless the representatives of the said John McKinney deceased shall become parties within the first ten days of the ensuing term of this court, the writ of error in this cause shall be dismissed.

Proclamation being made the court is adjourned until tomorrow morning at eleven oclock. —

Tuesday January 17- 1837-

Pursuant to Adjournment the Court met this morning at the Capitol -

Present

The Honorable Roger B. Taney Chief Justice
The Hon'ble Joseph Story, Smith Thompson, John M'Lean, Henry Baldwin, Philip P. Barbour - Associate Justices -

Alexander Hunter Esquire Marshal
William Thomas Carroll Clerk

Proclamation being made the Court is opened

On motion first made to the Court in this behalf by Mr Webster - It is ordered by the Court that Rutger B. Miller and John Young Esquires of the Bar of New York be admitted to practice as attorney and counsellor of this Court and they were severally sworn accordingly -

62. William B Wilmot's adm'r Plff in Er
vs
Henry Matthewson Defendant

On motion of Mr Webster of Counsel for the defendant in Error - It is now here ordered by the Court that this cause be and the same is hereby continued.

Tuesday January 17 1837—

Lefevre of James H Ewing 44. vs Jeff in Er Jacob Burnet —	the argument of this cause was commenced by W Stoner for the plaintiff in Error, — Continued by Mr Ewing for the defendant in Error and concluded by Mr Stoner for the plaintiff in Error —
John McClean adm. &c. pltff in Er 50. vs James Anchindoff & Co	On motion of Mr Benton of counsel for the plaintiff in Error and by the consent of Mr Coxe of counsel for the defendant in Error. It is now here ordered by the court that this cause be and the same is hereby Continued —
Daniel F Heister, Pltff in Er 53 vs John B C Lucas —	It is now here ordered by the court that this cause be and the same is hereby Continued. —
Crawford Allen Pltff in Er 54. vs John Hammond —	It is now here ordered by the court that this cause be and the same is hereby Continued. —

Proclamation being made the court is adjourned until tomorrow morning at eleven oclock. —

Wednesday January 18 1837

pursuant to adjournment the court met this morning at the Capitol —

Present

The Honorable Roger B. Taney Chief Justice

The Honble | Joseph Story / Smith Thompson / John McLean / Henry Baldwin / Philip P. Barbour | Associate Justices

Alexander Hunter Esqre Marshal
William Thomas Carroll Clerk

Proclamation being made the court is opened.

48. The United States. Appltes vs The Ship Fortune — The argument of the cause was commenced by Mr. Attorney General for the appellants continued by Mr. Jones for the appellee & concluded by Mr. Attorney General for the appellants. —

49. The United States. Appltes vs The Ship Garonne — The argument of this cause was commenced by Mr. Attorney General for the appellants, continued by Mr. Jones for the appellee & concluded by Mr. Attorney General for the appellants. —

Proclamation being made the court is adjourned until

54 / 0.

Thursday January 19 1837.

Pursuant to adjournment the Court met this morning at the Capitol. —

Present

The Honorable Roger B Taney Chief Justice
Joseph Story
Smith Thompson Associate
The Honble John McLean Justices —
Henry Baldwin
James M Wayne &
Philip P Barbour

Alexander Hunter Esquire Marshal
William Thomas Carroll Clerk

Proclamation being made the Court is opened. —

Charles River Bridge — }
v. } Error to
Warren Bridge &al — }

The argument of this cause was commenced by Mr Sutton for the plaintiffs in Error. —

3

Proclamation being made the Court is adjourned until tomorrow morning at eleven o'clock. —

Friday January 20 1837

Pursuant to adjournment the Court met this morning at the Capitol —

Present —

The Honorable	Roger B. Taney	Chief Justice
	Joseph Story	
	Smith Thompson	Associate
The Honble	John McLean	Justices
	Henry Baldwin	
	James M. Wayne &	
	Philip P. Barbour	

Alexander Hunter Esquire Marshal
William Thomas Carroll Clerk

Proclamation being made the Court is opened

On motion first made to the Court in this behalf by Mr Peters It is ordered that John Catron Esq of the State of Tennessee be admitted to practice as an Attorney and Counsellor of this Court and he was so sworn accordingly —

Charles River Bridge		The argument of this cause
3.	vs	was continued by Mr
Warren Bridge et al		Sullivan for the Plaintiffs
		in Error. —

Proclamation being made the Court is adjourned until tomorrow morning at eleven o'clock

Saturday January 21. 1837

Pursuant to adjournment the Court met this morning at the Capitol —

Present

The Honorable	Roger B. Taney	Chief Justice	
	Joseph Story		
	Smith Thompson		
The Honble	John McLean	Associate Justices —	
	Henry Baldwin		
	James M. Wayne &		
	Philip P. Barbour		
Alexander Hunter Esqure		Marshal	
William Thomas Carroll		Clerk —	

Proclamation being made the Court is opened

Charles River Bridge —	The argument of the cause was
3 vs Pltff in Er	continued by Mr Sutton for
Warren Bridge et al	the Plaintiffs in Error and by
	Mr Greenleaf for the Defts in Error —

Proclamation being made the Court is adjourned until Monday morning at eleven oclock. —

Monday January 23 1837.

Pursuant to adjournment the Court met this morning at the Capitol.

Present

The Honble Roger B Taney Chief Justice
The Honble Joseph Story, Smith Thompson, John McLean, Henry Baldwin, James M. Wayne, Philip P. Barbour — Associate Justices

Alexander Hunter Esquire Marshal
William Thomas Carroll Esq Clerk

Proclamation being made the Court is opened

On motion first made to the Court in this behalf by Mr Webster. It is ordered that Eben Newton and M. Birchard Esquires of the State of Ohio be admitted to practice as attorneys and counsellors of this Court and they were severally sworn accordingly.

3. Charles River Bridge vs Warren Bridge et al — The argument of this cause was continued by Mr Dunlap for Plaintiffs in Error. Mr Jeffries

Proclamation being made the Court is adjourned until tomorrow morning at eleven o'clock.

Tuesday January 24th 1837 —

Pursuant to adjournment the court met this morning at the Capitol —

Present

The Honorable	Roger B. Taney	Chief Justice
	Joseph Story	
	Smith Thompson	
The Hon'ble	John McLean	Associate Justices
	Henry Baldwin	
	James M. Wayne &	
	Philip P Barbour.	

Alexander Hunter Esquire Marshal
William Thomas Carroll Clerk —

Proclamation being made the court is opened —

Charles River Bridge		The argument of this cause
3.	vs	was continued by Mr Davis for
Warren Bridge Val		the defendants in Error and
		by Mr Webster for the plaintiffs in Error.

Proclamation being made the court is adjourned until tomorrow morning at eleven oclock. —

Wednesday January 25 1837.

Pursuant to adjournment the Court met this morning at the Capitol —

Present

The Honorable Roger B. Taney Chief Justice.

The Honble
- Joseph Story
- Smith Thompson
- John McLean
- Henry Baldwin
- James M. Wayne
- Philip P. Barbour

} Associate Justices.

Alexander Hunter Esquire Marshal
William Thomas Carroll Clerk -

Proclamation being made the Court is opened

On motion of Mr Webster in the library by Mr Webster It is ordered that Thomas C. Love. Esquire of the State of New York be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly. —

3. Charles River Bridge vs Proprietors Warren Bridge et al

The argument of this cause was continued by Mr Webster for the plaintiffs in Error.

Proclamation being made the Court is adjourned until to-morrow morning at eleven o'clock.

Thursday January 26 1837

Pursuant to adjournment the court met this morning at the Capitol –

Present

The Honorable	Roger B. Taney	Chief Justice
	Joseph Story	
	Smith Thompson	
The Honble	John McLean	Associate Justices –
	Henry Baldwin	
	James M. Wayne	
	Philip P. Barbour	

Alexander Hunter Esqure Marshal
William Thomas Carroll Clerk –

Proclamation being made the court is opened –

On motion first made to the court in this behalf by Mr Pettis. It is ordered that Samuel A. Plummer Esqr of the State of Mississippi be admitted to practice as an Attorney and Counsellor of this court and he was sworn accordingly –

Charles River Bridge	The argument of this cause was
3. vs Ephraim	concluded by Mr Webster
Warren Bridge et al	for the plaintiffs in Error –

Proclamation being made the court is adjourned until to morrow morning at eleven oclock –

Friday January 27. 1837

Pursuant to adjournment the Court met this morning at the Capitol

Present

The Honorable	Roger B. Taney	Chief Justice
	Joseph Story	
	Smith Thompson	Associate
The Honble	John McLean	Justices
	Henry Baldwin	
	James M. Wayne	
	Philip P Barbour	

Alexander Hunter Esqure Marshal
William Thomas Carroll Clerk

Proclamation being made the Court is opened

The State of Rhode Island & Providence Plantations vs The Commonwealth of Massachusetts.	Bill in Equity

W. Greene of Counsel for the Complainant now here moved the Court to continue this cause to the next January Term of this Court, which was opposed by M. Austin of counsel for the Defendants Whereupon this Court not being now here sufficiently advised of and concerning what judgment to render in the premises took time to consider.

Friday January 27 1837. Continued

The Mayor &c of New York vs Geo. Miln	The argument of this cause was commenced by Mr. Blunt for the plaintiffs & continued by Mr. Wheaton & Jones for the defendant.

Proclamation being made the Court is adjourned until tomorrow morning at eleven o'clock. –

Saturday January 28 1837.

pursuant to adjournment the Court met this morning at the Capitol –

Present

The Honorable	Roger B. Taney	Chief Justice
	Joseph Story	
	Smith Thompson	
The Honble	John McLean	Associate Justices
	Henry Baldwin	
	James M. Wayne	
	Philip P. Barbour	
Alexander Hunter Esquire		Marshal
William Thomas Carroll		Clerk

Proclamation being made the Court is opened

On motion first made to the Court on this behalf by Mr White – It is ordered that Charles E. Shannon Esqr of the State of Alabama be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly

The State of Rhode Island & Providence Plantations Complt	Bill in Equity.
vs	
The Commonwealth of Massachusetts.	On consideration of the motion made in this cause yesterday by Mr Greene and of the arguments of Counsel thereupon had as well for the complainants as for the defendant It is now

Saturday January 28th 1837 Continued

The Mayor &c of New York 6. " vs Jeff George Miln	The argument of this cause was concluded by Mr Ogden for the Plaintiff -

George H Briscoe Val 5. " vs Jeffries & Bank Comm[th] of Kentucky	The argument of this cause was commenced by Mr White for the Plaintiff in Error -

Order of Court.

There having been a Chief Justice and one Associate Justice of this Court appointed since its last Session - It is ordered, that the following allotment be made of the Chief Justice and Associate Justices of the said Supreme Court among the Circuits, agreeably to the act of Congress in such case made and provided, and that such allotment be entered on Record, viz;

For the first Circuit - The Honorable Joseph Story
For the second Circuit The Honorable Smith Thompson
For the third Circuit The Honorable Henry Baldwin
For the fourth Circuit The Honorable Roger B. Taney Chief Justice
For the Fifth Circuit The Honorable Philip P. Barbour
For the Sixth Circuit The Honorable James M. Wayne
For the Seventh Circuit The Honorable John McLean -

Proclamation being made the Court is adjourned until Monday morning at eleven oclock -

Monday January 30 1837

Pursuant to adjournment the Court met this morning at the Capitol –

Present

The Honorable	Roger B. Taney	Chief Justice
	Joseph Story	
	Smith Thompson	
The Honble	John McLean	Associate Justices
	Henry Baldwin	
	James M. Wayne &	
	Philip P. Barbour	

Hoyamer Hunter Esquire Marshal
William Thomas Carroll Clerk

Proclamation being made the Court is opened. –

On motion first made to the Court in this behalf by Mr Ogden – It is ordered by the Court that Archer Gifford Esquire of the State of New Jersey be admitted to practice as an Attorney and Counsellor of this Court and he was sworn accordingly. –

On Motion first made to the Court in this behalf by Mr Austin – It is ordered by the Court that Parker D. Hall Esquire of the State of Massachusetts be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly. –

Monday January 30 1837 Continued.

Crawford Allen. Appellt 54 " John Hammond —	The argument of this cause was commenced by Mr Greene for the appellant, continued by Mr Webster for the appellee and concluded by Mr Ogden for the Appellant.

Thomas Evans, Plff in Er 56. " Sterling Mc Gee.	The argument of this cause was commenced by Mr Key for the plaintiff in Error, continued by Mr Ogden for the defendant in Error and concluded by Mr Key for the plaintiff in Error. —

Proclamation being made the Court is adjourned until tomorrow morning at eleven oclock. —

Tuesday January 31 1837.

Pursuant to adjournment the court met this morning at the Capitol —

Present

The Honorable	Roger B. Taney	Chief Justice
	Joseph Story	
	Smith Thompson	
The Hon'ble	John McLean	Associate
	Henry Baldwin	Justices
	James M. Wayne	
	Philip P. Barbour	

Alexander Hamilton Esquire Marshal
William Thomas Carroll Clerk

Proclamation being made the court is opened

George H. Boisseveau — vs — Phillips & Co. and The Comth Bank of Kentucky

The argument of this cause was continued by Mr. White for the Plaintiffs in Error and by Messrs Hardin and Clay for the Defendant in Error.

Proclamation being made the court is adjourned until tomorrow morning at eleven oclock —

Wednesday February 1 1837.

Pursuant to adjournment the Court met this morning at the Capitol –

Present –

The Honorable	Roger B. Taney	Chief Justice
	Joseph Story	
	Smith Thompson	
The Honble	John McLean	Associate Justices
	Henry Baldwin	
	James M. Wayne &	
	Philip P. Barbour.	

Alexander Hunter Esquire Marshal
William Thomas Carroll Clerk

Proclamation being made the Court is opened

On motion first made to the Court in this behalf by Mr Hardin. It is ordered that William Kennon Jr Esquire of the State of Ohio be admitted to practice as an Attorney and Counsellor of this Court and he was sworn accordingly. –

George H. Briscoe vs C. Tyler & A.	The argument of this cause was concluded by Mr Southard
The Comth Bank of Kentucky	For the plaintiff in Error

Proclamation being made the Court is adjourned until tomorrow morning at eleven Oclock. –

Thursday February 2- 1837 -

Pursuant to adjournment the Court met this morning at the Capitol -

Present

The Honorable Roger B. Taney Chief Justice

The Hon[orable] Joseph Story, Smith Thompson, John McLean, Henry Baldwin, James M. Wayne, Philip P. Barbour — Associate Justices

Alexander Hunter Esqr[uire] Marshal
William Thomas Carroll Clerk -

Proclamation being made the Court is opened.

On motion first made to the Court on this behalf by Mr. Clay - It is ordered that Cornelius O'Flynn Esqr[uire] of the State of Michigan and Alan B. Sponner Esqr[uire] of the State of Virginia be admitted to practice as Attorneys and Counsellors of this Court and they were severally sworn accordingly -

84. Lessee of James H. Ewing vs. Joseph Tuff in Er[ror] Jacob Burnet — In Error to the Circuit Court of the United States for the District of Ohio -

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of Ohio

Thursday February 2 - 1837 -

It is now here ordered and adjudged by this court that the judgment of the said Circuit Court in this cause be and the same is hereby affirmed with costs.

"Jr. M. Gr. Baldwin"

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45. Charles McMicken Plff in Er.
vs
Amos Webb & Mary Ann Smith in her own right & as Tutrix of the minors Catharine & Sarah Smith, and Ira Smith, Tutor of said Minors Catharine & Sarah Smith.

In Error to the District Court of the United States for the Eastern District of Louisiana. -

This cause came on to be heard on the transcript of the record from the District Court of the United States for the Eastern District of Louisiana and was argued by counsel. On consideration whereof. It is now here ordered and adjudged by this court that the judgment of the said District Court in this cause be and the same is hereby reversed and that this cause be and the same is hereby remanded to the said District Court for further proceedings to be had therein according to law and justice and in conformity to the opinion of this court. -

"Jr. M. Gr. Thompson"

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48. The United States Appellt
vs
The Ship Fortune
Vare Manuel Claimant

On appeal from the District Court of the United States for the Eastern District of Louisiana. -

This cause came on to be heard on the transcript of the record from the District Court of the United States for the Eastern

Thursday February 2. 1837. Continued.

Louisiana and was argued by counsel. On consideration whereof, It is now here ordered and decreed by this court that the decree of the said District Court in this cause be and the same is hereby affirmed. — "Pr. M. Ch. Jus. Taney"

49. The United States. appellt
vs
The Ship Garonne, William Priddy, Louis & Wm Gray and Rogers Claimants.

On appeal from the District Court of the United States for the Eastern District of Louisiana.

This cause came on to be heard on the transcript of the record from the District Court of the United States for the Eastern District of Louisiana and was argued by counsel On consideration whereof, It is now here ordered and decreed by this court that the decree of the said District Court in this cause be and the same is hereby affirmed. — "Pr. M. Ch. Jus. Taney"

12. Ezekl Lynch plff in Er
vs
Ambrose Carnage

This cause having been called for argument and no counsel appearing It is now here ordered by the court that this cause be and the same is hereby continued. —

13. Johnson Pope plff in Er
vs
The State of Georgia

This cause having been called for argument and no counsel appearing. It is now here ordered by the court that

Thursday February 2nd 1837 Continued.

Burgess Postmaster, Appellant vs 17 Heirs of John Steiger dec'd	This cause was argued by Mr. Calhoun for the Appellants in Error. —

The United States, Appellants vs 82. Jacob & Isaac Tiffer —	The argument of this cause was commenced by Mr. Attorney General for the Plaintiffs in Error, continued by Mr. Webster for the defendants in Error and concluded by Mr. Attorney General for the Plaintiffs in Error —

Proclamation being made the Court is adjourned until tomorrow morning at eleven Oclock. —

Friday February 3d 1837.

Pursuant to adjournment the court met this morning at the Capitol -

Present

The Honorable Roger B. Taney Chief Justice

The Hon'ble
- Joseph Story
- Smith Thompson
- John McLean
- Henry Baldwin
- James M. Wayne &
- Philip P. Barbour

} Associate Justices

Alexander Hunter Esquire Marshal
William Thomas Carroll Clerk

Proclamation being made the Court is opened

On motion first made to the court in this behalf by Mr Butler - It is ordered that J. Mandanville Carlisle Esquire of the District of Columbia be admitted to practice as an attorney and Counsellor of this court and he was sworn accordingly -

54. Crawford Allen. appellt
vs
John Hammond

On appeal from the Circuit Court of the United States for the District of Rhode Island

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of Rhode Island and was argued by counsel - On consideration

Friday February 3 1837 Continued

by this court that the decree of the said Circuit Court in this cause be and the same is hereby affirmed with costs.-

"P. V. Ch. Jus. McLean"

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55. Robert H. Spencer & Wife plff in Er vs Andrew Crenshaw

In Error to the District Court of the United States for the Southern District of Alabama.-

Mr. Key of counsel for the plaintiff in Error having suggested to the court that this cause was erroneously removed to this court by writ of error instead of by appeal, now here moved the court to dismiss the same - On consideration whereof It is now here ordered, adjudged and decreed by this court that this writ of error to the District Court of the United States for the Southern District of Alabama be and the same is hereby dismissed with costs. -

"P. V. Ch. Jus. Taney"

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51. Benjamin R. Lyon & al, plff in Er vs James Auchincloss & Co. defts

The argument of this cause was commenced by Mr. Butler for the plaintiff in Error, continued by Mr. Key for the defendants in Error and concluded by Mr. Butler for the plaintiff in Error. —

Friday February 3. 1837 Continued.

David B. Macomb Henry St Brackenridge & Wm B. Nuttall pltff in Er
vs
Marcus A. Armstead, admr of John C. Armstead, decd

} In Error to the Court of Appeals for the Territory of Florida.

W. Spooner of counsel for the defendant in Error having filed and read in open court the following certificate viz: "At a court of Appeals for the Territory of Florida continued and held at the City of Tallahassee on Monday the 3d day of February A.D. 1834

David B. Macomb &c - Appellants
against
Wm. C Armstead's admr - Appellee

} upon an appeal from a judgment of the Superior Court Middle district Leon County rendered on the 14th day of April 1832 whereby it was considered that the appellee recover of the appellants $7260 to be discharged by the payment of $3630 with interest thereon at the rate of eight per centum per annum from the 20th day of December 1830 till paid and the costs

This day came the parties by counsel, and the court having maturely considered the transcript of the record of the judgment aforesaid and argument of counsel, are of opinion that there is no error in said judgment. - Therefore it is considered that the same be affirmed, and that the appellee recover against the appellants four dollars sixty two and a half cents his costs by him about his defence in this behalf expended". -

I James P. Linn, Clerk of the Court of Appeals for the Territory of Florida do hereby certify that the foregoing

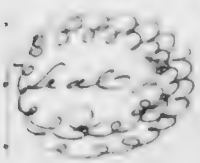
Friday February 3 1837. Continued.

is a true transcript from the record of said Court.

"In Testimony Whereof, I have hereunto set
"My hand, and annexed the Seal of said
"Court this 13th day of February A.D. 1834.

"James D. Dunn. Clk"

"I Thomas H. Duvall Clerk of the Court of Appeals of
the Territory of Florida, do certify that the foregoing is a
certified, a true copy of the last entry made in said
case in the records of said Court that I have deligently
searched the files of said Court and said records, and find
no appeal bond or any entry of any appeal being
taken, or minute or note thereof on said files or records,
or that any writ of error was ever sued out in said
case, and if said judgment was carried by appeal
to the Supreme Court of the United States, or removed
thence by writ of error, there is no evidence thereof
remaining in this Court, and if such evidence ever
existed among the files or records, it is lost or mislaid
and cannot be found -



"In Testimony Whereof I have hereunto
"set my hand and affixed the seal of said
"Court this 12th day of January A.D. 1837 -

"Thos H. Duvall Clk"

and having produced a transcript of the record in
said cause which was left in the office of the Clerk
of this Court the 9th of February 1836 but which transcript
was not filed nor the cause docketed in pursuance
of the rules of this Court, now here moved the Court
in pursuance of the thirtieth rule of this Court to have

Friday February 3 1837. Continued

Whereof. It is now here ordered and adjudged by this court that this writ of Error be and the same is hereby dockelled and dismissed —

"Jo: Mc: Ch: Jus: Taney"

Proclamation being made the Court is adjourned until tomorrow morning at eleven o'clock —

Saturday Febuary 4th 1837.—

Monday & Adjournment the Court met this morning at the Capitol.

Present

The Honorable	Roger B. Taney	Chief Justice
	Joseph Story	
	Smith Thompson	
The Honble	John McLean	Associate Justices
	Henry Baldwin	
	James M. Wayne	
	Philip P. Barbour	

Alexander Hunter Esquire Marshal
William Thomas Carroll Clerk

Proclamation being made the Court is opened

On motion first made to the Court in this behalf by Mr Clay. It is ordered that A. L. Chipman Esquire of the State of New York be admitted to practice as Attorney and counsellor of this Court and he was sworn accordingly —

57 The United States appts
vs
Andrew M. Dunt —

This cause having been called for argument under the rules of this Court and no counsel appearing. It is now hereordered by the Court that this cause be and the same is hereby postponed. —

Saturday February 4 1837 Continued.

58. The United States appellt
vs
Andrew M. Laub

This cause having been called for argument under the rules of this Court and no counsel appearing. It is now here ordered by the Court that this cause be and the same is hereby postponed.

59. Edward Livingston Esqr appellt
vs
Benjamin Story

This cause having been called for argument under the rules of this Court and no counsel appearing It is now here ordered by the Court that this cause be and the same is hereby postponed.

60. William Wales. pltff
vs
The Merchants Louisville Insurance Company

This cause was argued by Mr Crittenden for the defendant.

61. Bank of the United States
vs appellt
James Daniel Val

This cause was submitted to the consideration of the Court on the record and printed argument by Mr Crittenden of counsel for the appellants.

62. John H. Clark admr of
Willard W. Wilmore
vs pltff in Er
Henry Matthewson Val

On motion of Mr Webster of counsel for the defendants in Error. It is ordered by the Court that this cause be

Saturday February 4th 1837. Continued

63.	Nathaniel Williams Val. vs Plffs in Er The United States —	This cause having been called for argument under the rules of this court and no counsel appearing.

It is now here ordered by the court that this cause be and the same is hereby postponed. —

64.	Isaac Bradlee Val. Plffs in Er vs The Maryland Ins^ce Company	This cause having been called for argument under the rules of this court and no counsel appearing.

It is now here ordered by the court that this cause be and the same is hereby postponed. —

67.	New England Ins^ce Company vs Appells The Brig Sarah Ann.	On motion of W. Webster of counsel for the appellants,

It is now here ordered by the court that this cause be and the same is hereby continued. —

Proclamation being made the court is adjourned until Monday morning at eleven o'clock. —

Monday February 6 1837

Pursuant to adjournment the court met this morning at the Capitol –

Present

The Honorable	Roger B. Taney	Chief Justice
The Hon'ble	Joseph Story Smith Thompson John McLean Henry Baldwin James M. Wayne Philip P. Barbour	Associate Justices

Alexander Hunter Esqr. Marshal
William Thomas Carroll Clerk

Proclamation being made the Court is opened.

57. The United States for &c. vs Andrew M. Laub — This cause having been called for argument and no counsel appearing It is now here ordered by the Court that this cause be and the same is hereby postponed. —

58. The United States for &c. vs Andrew M. Laub — This cause having been called for argument and no counsel appearing It is now here ordered by the Court that this cause be and the same is hereby postponed. —

Monday February 6th 1837. Continued

Edward Livingston's Exrs 57. vs appts Benjamin Story	The argument of this cause was commenced by Mr White for the appellant and continued by Messrs Swillenden & Clay for the appellee.

The United States pltfs vs 57. Thomas M. Gantt	In Error to the Circuit Court of the United States for the District of Columbia holden in & for the County of Washington

Mr Coxe of Counsel for the defendant in Error having filed and read in open court the following suggestion in writing viz- "The defendant in the above cause, by leave of the court suggest diminution in the record and prays the court to award a certiorari to the Circuit Court of the District of Columbia for the County of Washington, to bring up the papers indicated below and which it appears from the Record ought to constitute part of the same.

1. Statement from the Bank U.S. referred to page 8 Printed record
2. Official report from Comptroller &c p 9.
3. Accounts between Duff and Dyer from January 1831. &c the institution of this suit with the vouchers &c accompanying the same and a Statement from the Register of June 2. 1830. referred to p.p. 9 & 10. printed record.
4. Accounts shewing payment by Rees p. 10.
5. Document No 22. p. 10."

By reason of which omissions and errors the said counsel now here move the court to award a writ

Monday February 6 1837. Continued.

Court of the United States for the District of Columbia, holden in and for the County of Washington commanding them that searching the records and proceedings of the said Circuit Court in this cause they shall certify to this court under the seal of the said Circuit Court whatever omissions and errors shall be found — On consideration whereof, It is now here ordered and adjudged by this court that a writ of Certiorari be and the same is hereby awarded to be issued forthwith to be directed to the Judges of said Circuit commanding them to certify under the seal of said Court whatever omissions and errors shall be found in this cause and return the same with the said writ of Certiorari forthwith to this court. —

15.	The United States plff in Error vs Andrew M Lant	In Error to the Circuit Court of the United States for the District of Columbia holden in and for the County of Washington.

— Mr Key of Counsel for the defendant in Error having filed and read in open Court the following Suggestions in writing, viz. "The defendant in the above cause, by leave of the Court suggests diminution in the record and prays the Court to award a certiorari to the Circuit Court of the District of Columbia for the County of Washington to bring up the papers indicated below and which it appears from the record ought to con-

Monday February 6 1837 Continued.

1. Statement from the Bank U S referred to in page 8 of printed record
2. Official report from Comptroller &c. p. 9
3. Accounts between pltff and defts from January 1831 to the institution of this suit with the vouchers accompanying the same and a Statement from the Register of June 2. 1836. referred to p.p. 9 & 10 of printed record. -
4. Accounts shewing payment by Reed p. 10 -
5. Document N: 22 p. 10" -

By reason of which omissions and errors the said Counsel now here move the Court to award a writ of certiorari to be directed to the Judges of the Circuit Court of the United States for the District of Columbia, holden in and for the County of Washington commanding them that searching the records and proceedings of the said Circuit Court in this cause they shall certify to this Court under the seal of the said Circuit Court whatsoever omissions and errors shall be found. - On consideration whereof it is now here ordered and adjudged by this Court that a writ of certiorari be and the same is hereby awarded to be issued forthwith to be directed to the Judges of the said Circuit Court commanding them to certify under the seal of said Court whatever omissions and errors shall be found in this cause and return the same with the said writ of Certiorari forthwith to this Court. -

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Proclamation being made the Court is adjourned until tomorrow morning at eleven o'clock -

Tuesday February 7 1837

Pursuant to adjournment the Court met this morning at the Capitol.

Present

The Honorable	Roger B. Taney	Chief Justice
	Joseph Story	
	Smith Thompson	
The Hon'ble	John McLean	Associate Justices.
	Henry Baldwin	
	James M. Wayne	
	Philip P. Barbour.	

Alexander Hunter Esquire Marshal
William Thomas Carroll Clerk

Proclamation being made the Court is opened

Edward Livingston's Exrs		The argument of this
39. " " Appl'ts		Cause was continued
Benjamin Shaw		by Mr Clay for the Appellee
		and concluded by Mr White
		for the Appellants

Proclamation being made the Court is adjourned until tomorrow morning at eleven o'clock.

1832.

Wednesday February 8th 1837

Pursuant to adjournment the Court met this morning at the Capitol.—

Present.—

The Honorable Roger B Taney Chief Justice

The Honble | Joseph Story, Smith Thompson, John McLean, Henry Baldwin, James M. Wayne, Philip P. Barbour | Associate Justices.

Alexander Hunter Esquire Marshal

William Thomas Carroll Clerk

Proclamation being made the Court is opened

On motion first made to the Court in this behalf by Mr. Pearce. It is ordered that Benja F. Hallett Esquire of the State of Massachusetts be admitted to practice as an Attorney and Counsellor of this Court and he was sworn accordingly.—

On motion first made to the Court in this behalf by Mr. Ewing. It is ordered that James L. Conger Esquire of the State of Ohio be admitted to practice as an Attorney and Counsellor of this Court and he was sworn accordingly.—

Wednesday February 8- 1837. Continued.—

57	The United States Appellants vs Andrew M. Lamb —	It is now here ordered by the Court that this cause be and the same is hereby Continued
58.	The United States Appellants vs Andrew M. Lamb —	It is now here ordered by the Court that this cause be and the same is hereby Continued.
63.	Nathaniel Williams Sen. Appellant vs The United States —	It is now here ordered by the Court that this cause be and the same is hereby Continued
64.	Isaac Bradlee Sen. Appellant vs Maryland Insurance Company	It is now here ordered by the Court that this cause be and the same is hereby Continued
66.	Thomas Jackson Sen. Appellant vs William E. Ashton —	The argument of this cause was commenced by Mr Key for the appellant. —
68	Steam Boat Orleans. Appellant vs Thomas Phoebus —	It is now here ordered by the Court that this cause be and the same is hereby Continued. —

Wednesday February 8 1837 Continued. —

The Mayor &c of Georgetown 08 vs Appellee Alexandria Canal Company.	It is now here ordered by the court that this cause be and the same is hereby Continued

Proclamation being made the Court is adjourned until tomorrow Morning at eleven o'clock. —

Thursday February 9 1837. —

pursuant to adjournment the Court met this morning at the Capitol

Present

The Honorable	Roger B. Taney	Chief Justice
	Joseph Story	
	Smith Thompson	
The Honble.	John McLean	Associate Justices
	Henry Baldwin	
	James M. Wayne	
	Philip P. Barbour	

Alexander Hunter Esqre Marshal
William Thomas Carroll Clerk

proclamation being made the Court is opened

Thomas Evans, Appellant	On Error to the District
vs.	Court of the United States
Sterling Mc Coy —	for the Southern District
	of Alabama

This cause came on to be heard on the transcript of the record from the District Court of the United States for the Southern District of Alabama and was argued by Counsel — On Consideration Whereof It is ordered and adjudged by this Court that the judgment of the said District Court in this cause be and the same is hereby affirmed with costs and damages at the rate of six per centum per annum

"J. M. Wayne"

Thursday February 9 1837 Continued.

Benjamin R. Lyon &al 31. vs Jeffrs James Auchincloss &Co	In Error to the District Court of the United States for the Southern District of Alabama.

On consideration of the arguments of counsel as well for the defendants as for the plaintiffs in Error, it is now here ordered by the Court that the Clerk of this court ascertain whether the act of Louisiana of 1817 relative to Insolvents debtors is still in force, and whether any rules have been adopted by the United States District Court of East Louisiana since 1829 adopting the Louisiana Code of practice of 1825 to obtain copies thereof and a copy of the rules of the District Court for the Eastern District of Louisiana which have been adopted by that court since the passage of the act of Congress of 1824. And it is now here further ordered by the Court that this cause be held under advisement, and that it be and the same is hereby continued to the next term of this court. –

Thomas Jackson &al – 56. vs Appts William E. Aiken	The argument of this cause was continued by Mr Ingersoll for the appellee. –

Proclamation being made the Court is adjourned until tomorrow morning at eleven o'clock. –

Friday February 10 1837.

Pursuant to adjournment the Court met this morning at the Capitol

Present

The Honorable	Roger B. Taney	Chief Justice
	Joseph Story	
	Smith Thompson	
The Honble	John McLean	Associate Justices
	Henry Baldwin	
	James M. Wayne	
	Philip P. Barbour	

Alexander Hunter Esquire Marshal
William Thomas Carroll Clerk -

Proclamation being made the Court was opened -

On motion first made to the Court in this behalf by Mr Peters - It is ordered that William R Smith Esquire of the State of Pennsylvania be admitted to practice as an attorney and Counsellor of this Court and he was sworn accordingly -

On motion first made to the Court in this behalf by Mr Coxe - It is ordered that Wheelock S. Upton Esquire of the District of Columbia be admitted to practice as an attorney and Counsellor of this Court and he was sworn accordingly -

Friday February 10 1837. Continued.

The United States pltff in Er 52. vs Jacob & Isaac Peffer —	In Error to the Circuit Court of the United States for the Eastern District of Virginia

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the Eastern District of Virginia and was argued by counsel - On consideration whereof, It is ordered and adjudged by this court that the judgment of the said Circuit Court in this cause be and the same is hereby affirmed. — "P. V. Du. Barbour"

Thomas Jackson &c. appellts 66. vs William E. Ashton	The argument of this cause was concluded by Mr. Key for the appellants. —

Charles Scott Bailiff of William T. Morris appellts. 69. vs John T. Lloyd —	On motion of Mr. Cope of Counsel for the plaintiff in Error - It is now here ordered by the Court that this cause be & the same is hereby Continued. —

James McBride pltff in Er. 19. vs Legree of William Hoey —	Mr. Peters of Counsel for the defendant in Error, now here moved the Court to dismiss the writ of Error for the want of

jurisdiction which was opposed by Mr. Anthony of Counsel for the pltff in Error & sustained by Mr. Fenton for defendant in Error

Saturday February 11 1837.

Pursuant to adjournment the Court met this morning at the Capitol.

Present

The Honorable Roger B. Taney Chief Justice
Joseph Story
Smith Thompson
The Hon'ble John McLean Associate Justices
Henry Baldwin
James M. Wayne &
Philip P. Barbour

Raymond Hunter Esquire Marshal
William Thomas Carroll Clerk

Proclamation being made the Court is opened

Burgess Poole &c Plffs in Error to the Circuit Court of the United States for the District of West Tennessee.
vs
17. Lessee of John Yeager &c Defts

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of West Tennessee and was argued by counsel - On consideration whereof, It is now here ordered and adjudged by this Court that the judgment of the said Circuit Court in this cause be and the same is hereby affirmed with costs.

"P. V. Ms Jos. Story"

Saturday February 11 1837. Continued

James M'Knight pltff in Error
vs
Sefon of William Hoey

In Error to the Supreme Court of Pennsylvania for the Western District —

On consideration of the motion made in this cause yesterday and of the arguments of Counsel thereupon had as well in support of as against the motion. It is now here considered, ordered and adjudged by this Court that this writ of Error to the Supreme Court of the State of Pennsylvania for the Western District be and the same is hereby dismissed for the want of jurisdiction. —

"Js. M. Ch. Jus. Taney"

George H. Briscoe, Abram Fulkerson & John Briscoe pltffs in Er
vs
The President & Directors of the Bank of the Commonwealth of Kentucky

In Error to the Court of Appeals for the State of Kentucky —

This cause came on to be heard on the transcript of the record from the Court of Appeals for the State of Kentucky and was argued by counsel. On consideration whereof It is ordered and adjudged by this Court that the judgment of the said Court of Appeals in this cause be and the same is hereby affirmed with costs and damages at the rate of six per centum per annum —

"Js. M. Jus. M'Lean"

"M. Jus. Story dissenting"

Saturday February 11 1837 Continued.

Charles River Bridge —
&c. vs. Joseph M. Wyman
Warren Bridge &al

Mr. Lewis of Counsel for the Defendants in Error having suggested the death of Nathan Hyde one of the defendants in Error in this cause, and filed the appearance of Josiah P. Cooke Exor of the last will and Testament of the said Nathan Hyde, now here moved the court for leave to the said Executor to be made a co-defendant in this cause. Whereupon It is now ordered by the court that leave be and the same is hereby granted to the said Josiah P. Cooke to become a co-defendant in Error in this cause and that he be and he is hereby made a co-defendant in Error in this cause. —

John G. Stevenson and
Patrick McCauley
18. vs. Joseph M. Wyman
Jacob Kellar & Charles Buckman

In Error to the District Court of the United States for the Eastern District of Louisiana

Mr. Brent of Counsel for the plaintiffs in Error having filed and read in open court the following release and order to print, Know ye that For and in consideration of the Sum of Twenty six hundred and fifty dollars or in consideration of a release from all liability on account of endorsement for S. K. Page — I Jacob Kellar Survivor of the late firm of Kellar and Buckman do hereby release and relinquish to John G. Stevenson all right of action or demand we have as Survivor aforesaid

Saturday February 11 1837 Continued

of $2650 on which Keller and Buchannan instituted suit as indorsers against Thos Stevenson as acceptor in the District Court of Louisiana on which judgment was obtained in said court and an appeal has been taken to the Supreme Court of the United States. Witness my hand and seal as Survivor aforesaid this 18th day of March 1836 - signed Jacob Keller Seal Clerks office District Court of the U.S. East Dist. of Louisa I hereby certify the foregoing to be a true copy of the original filed in this office in the case of Keller & Buchannan vs John G. Stevenson No 3399 on the 14th June 1836. Witness my hand and the seal of the court this 14th June 1836 - J.W. Collins Dy Clk

Now here moved the court to dismiss the writ of Error in this cause the matters in controversy having been agreed and settled between the parties. Whereupon it is now here considered ordered and adjudged by this court that this writ of Error to the District Court of the United States for the Eastern District of Louisiana be and the same is hereby dismissed -

'R. M. Ch: Jus: Taney'

Thomas A. Billings et al 43 vs Pleasants & Lessee of Luke Tiernan	On motion of Mr Critenden of Counsel for the plaintiffs in Error and by consent of Mr Harris of Counsel for the

defendant in Error - It is now here ordered and adjudged by this court that the order of dismission entered in this cause on a prior day of this term

Saturday February 11 1837. Continued.

the same is hereby stricken out and that the suit cause be and the same is hereby reinstated on the Docket of this court, and that the same be continued to the next term. —

The Steam Boat Orleans — vs — Thomas Phoebus — On consideration it was ordered by the court that the motion of the Counsel for the appellee to dismiss this appeal be and the same is hereby overruled. —

Proclamation being made the Court is adjourned until Monday morning at eleven o'clock

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Monday February 13 1837. —

Pursuant to adjournment the Court met this morning at the Capitol —

Present

The Honorable Roger B. Taney Chief Justice
The Honble, Joseph Story, Smith Thompson, John McLean, Henry Baldwin, James M. Wayne, Philip P. Barbour — Associate Justices —

Alexander Hunter Esquire Marshal
William Thomas Carroll Clerk —

Proclamation being made the Court is opened. —

On motion first made to the Court in this behalf by Mr Butler — It is ordered by the Court that Arba K. Maynard Esquire of the State of New York be admitted to practice as an Attorney and Counsellor of this Court and he was sworn accordingly. —

John W. Workinger, Powhatton Worksinger & William T. Major
vs.
The President & Directors of the Bank of the Commonwealth of Kentucky. —

In Error to the Court of Appeals for the State of Kentucky — This cause came on to be heard on the transcript of the record from the Court of Appeals

Monday February 13 1837. Continued.

On consideration whereof, It is adjudged and ordered by this court that the judgment of the said Court of Appeals in this cause be and the same is hereby affirmed with costs and damages at the rate of six per centum per annum. — "P. M. Thos. McLean"

George W. Worland — | In Error to the Court
&c. | of Appeals for the
vs. | State of Kentucky
The President & Directors of | This cause came on
the Bank of the Commonwealth of Kentucky. — | to be heard on the transcript of the record

from the Court of Appeals for the State of Kentucky and was argued by counsel — On consideration whereof, It is adjudged and ordered by this court that the judgment of the said Court of Appeals in this cause be, and the same is hereby affirmed with costs and damages at the rate of six per centum per annum. — P. M. Thos. McLean

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George W. Worland and | In Error to the Court
William Robertson | of Appeals for the State
&c. | of Kentucky. —
vs. | This cause came on to be
The President & Directors of | heard on the transcript
the Bank of the Commonwealth of Kentucky. — | of the record from the Court of Appeals for

the State of Kentucky and was argued by counsel —

Monday February 13 1837 Continued

by this Court that the judgment of the Court of Appeals in this cause be, and the same is hereby affirmed with costs and damages at the rate of six per centum per annum. — "P. M. Rw. McLean"

Andrew Paulock, Richard Fairman & Jonah T. Caggin

20. vs Pltffs in Er.

The President & Directors of the Bank of the Commonwealth of Kentucky —

In Error to the Court of Appeals for the State of Kentucky. —

This cause came on to be heard on the transcript of the record from the Court of Appeals for the State of Kentucky and was argued by counsel. On consideration whereof, It is adjudged and ordered by this Court that the judgment of the said Court of Appeals in this cause be, and the same is hereby affirmed with costs and damages at the rate of six per centum per annum — "P. M. Chs. McLean"

Andrew Paulock, Richard Fairman and George W. Thompson —

21. vs Pltffs in Er.

The President & Directors of the Bank of the Commonwealth of Kentucky. —

In Error to the Court of Appeals for the State of Kentucky. —

This cause came on to be heard on the transcript of the record from the Court of Appeals for the State of Kentucky and was argued by counsel On consideration whereof It is adjudged and ordered by this Court that the judgment of the said Court of Appeals in this cause be and the same is hereby affirmed with

Monday February 13 1837. Continued.

Andrew Yadlock, Richard Fairman and George W. Thompson ... Pltffs in Er
22. vs
The President & Directors of the Bank of the Commonwealth of Kentucky. —

In Error to the Court of Appeals for the State of Kentucky — This cause came on to be heard on the transcript of the record from the Court of Appeals for the State of Kentucky and was argued by Counsel On Consideration Whereof It is adjudged and ordered by this court that the judgment of the said Court of Appeals in this cause be and the same is hereby affirmed with costs and damages at the rate of six per centum Per annum. —

"P. V. Thos. M'Lean"

William A. Bridges, John L. Bridges and William Sheriyo — Pltffs in Er
20. vs
The President & Directors of the Bank of the Commonwealth of Kentucky. —

In Error to the Court of Appeals for the State of Kentucky. — This cause came on to be heard on the transcript of the record from the Court of Appeals for the State of Kentucky and was argued by Counsel — On Consideration Whereof. It is adjudged and ordered by this court that the judgment of the said Court of Appeals in this cause be and the same is hereby affirmed with costs and damages at the rate of six per centum Per annum. —

"P. Mr. Thos. M'Lean"

Monday February 13 1837. Continued. —

William Briggs William A Briages & John L. Briages —
27 vs Plffs in Er.
The President & Directors of the Bank of the Commonwealth of Kentucky. —

In Error to the Court of Appeals for the State of Kentucky. —
This cause came on to be heard on the transcript of the record from the Court of Appeals for the State of Kentucky and was argued by Counsel. On consideration whereof, It is adjudged and ordered by this Court that the judgment of the said Court of Appeals in this cause be and the same is hereby affirmed with costs and damages at the rate of Six per centum per annum. —
"P. V. Hus. McLean"

Joel P. Williams, Joseph Magru and Basil Panther. —
28 vs Plffs in Er.
The President & Directors of the Bank of the Commonwealth of Kentucky. —

In Error to the Court of Appeals for the State of Kentucky. —
This cause came on to be heard on the transcript of the record from the Court of Appeals for the State of Kentucky and was argued by Counsel. On consideration whereof It is adjudged and ordered by this Court that the judgment of the said Court of Appeals in this cause be and the same is hereby affirmed with costs and damages at the rate of Six per centum per annum. —
"P. V. Hus. McLean"

Monday February 13 1837. Continued.

John D. Bridges William A. Bridges & William Pherigo. vs. Pleffer &c. The President & Directors of the Bank of the Commonwealth of Kentucky —

39.

In Error to the Court of Appeals for the State of Kentucky —

This cause came on to be heard on the transcript of the record from the Court of Appeals for the State of Kentucky and was argued by Counsel — On Consideration whereof It is adjudged and ordered by this court that the judgment of the said Court of Appeals in this cause be and the same is hereby affirmed with costs and damages at the rate of Six per centum per annum — "J. M. Jno. McLean

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John Dean, John D. Bridges, Wm. A. Bridges & Wm. Pherigo vs. Pleffer &c. The President & Directors of the Bank of the Commonwealth of Kentucky —

30

In Error to the Court of Appeals for the State of Kentucky —

This cause came on to be heard on the transcript of the record from the Court of Appeals for the State of Kentucky and was argued by Counsel — On Consideration whereof It is adjudged and ordered by this Court that the judgment of the said Court of Appeals in this cause be and the same is hereby affirmed with costs and damages at the rate of Six per centum per annum — "J. M. Jno. McLean"

Monday February 13 1837. Continued.

William Rawley Gen. Thorpe and Geo. W. Thompson — pltffs in Er.
31. vs
The President & Directors of the Bank of the Commonwealth of Kentucky. —

In Error to the Court of Appeals for the State of Kentucky. —

This cause came on to be heard on the transcript of the record from the Court of Appeals for the State of Kentucky and was argued by counsel. On consideration whereof, It is adjudged and ordered by this court that the judgment of the said Court of Appeals in this cause be and the same is hereby affirmed with costs and damages at the rate of six per centum per annum. —

"P. P. Barbour"

Basil Rather, Samuel C. Allen and George W. Thompson. — pltffs in Er.
32. vs
The President & Directors of the Bank of the Commonwealth of Kentucky. —

In Error to the Court of Appeals for the State of Kentucky. —

This cause came on to be heard on the transcript of the record from the Court of Appeals for the State of Kentucky and was argued by counsel. On consideration whereof, It is adjudged and ordered by this court that the judgment of the said Court of Appeals in this cause be and the same is hereby affirmed with costs and damages at the rate of six per centum per annum. —

"P. P. Barbour"

Monday February 13 1837. Continued.

Christopher Chinn, Michael Matheny & Jacob H. Pittsfield
33. vs (Appellants
The President & Directors of the Bank of the Commonwealth of Kentucky. —

In Error to the Court of Appeals for the State of Kentucky. —

This cause came on to be heard on the transcript of the record from the Court of Appeals for the State of Kentucky and was argued by counsel. On consideration whereof. It is adjudged and ordered by this court that the judgment of the said Court of Appeals in this cause be and the same is hereby affirmed with costs and damages at the rate of six per centum per annum. — Jos. M. Mc Kinley

Dixon P. Dedman, John T. Lewis and William McGinnis —
34. vs
The President & Directors of the Bank of the Commonwealth of Kentucky —

In Error to the Court of Appeals for the State of Kentucky

This cause came on to be heard on the transcript of the record from the Court of Appeals for the State of Kentucky and was argued by counsel — On consideration whereof. It is adjudged and ordered by this court that the judgment of the said Court of Appeals in this cause be and the same is hereby affirmed with costs and damages at the rate of six per centum per annum. — Jos. M. Mc Kinley

Monday February 13 1837 Continued.

Thomas Hardesty, Bryan G. Sidman & John T. Hudgin.
35. vs. Appeal &c
The President & Directors of the Bank of the Commonwealth of Kentucky. —

In Error to the Court of Appeals for the State of Kentucky. —

This cause came on to be heard on the transcript of the record from the Court of Appeals for the State of Kentucky and was argued by Counsel — On Consideration Whereof. It is adjudged and ordered by this Court that the judgment of the said Court of Appeals in this cause be and the same is hereby affirmed with costs and damages at the rate of six per centum per annum. —

"P. N. Trs: M'Lean"

William M'Ginnis, John D. M'Ginnis & Thomas P. M'Ginnis.
36. vs. Appeal &c
The President & Directors of the Bank of Commonwealth of Kentucky. —

In Error to the Court of Appeals for the State of Kentucky. —

This cause came on to be heard on the transcript of the record from the Court of Appeals for the State of Kentucky and was argued by Counsel — On Consideration Whereof. It is adjudged and ordered by this Court that the judgment of the said Court of appeals in this cause be and the same is hereby affirmed with costs and damages at the rate of six per centum per annum. —

"P. N. Trs: M'Lean"

Monday February 13 1837. Continued.

William & James Eidson
87. vs Appeal &c
The President & Directors of the Bank of the Commonwealth of Kentucky. —

In Error to the Court of Appeals for the State of Kentucky

This cause came on to be heard on the Transcript of the record from the Court of Appeals for the State of Kentucky and was argued by counsel. On consideration whereof it is adjudged and ordered by this Court that the judgment of the said Court of Appeals in this cause be and the same is hereby affirmed with costs and damages at the rate of six per centum per annum. —

"P. P. Barbour. J. McLean."

Jesse Moseley, John Moseley and Pinsley Moseley. —
88. vs
The President & Directors of the Bank of the Commonwealth of Kentucky. —

In Error to the Court of Appeals for the State of Kentucky

This cause came on to be heard on the Transcript of the record from the Court of Appeals for the State of Kentucky and was argued by counsel. On consideration whereof it is adjudged and ordered by this Court that the judgment of the said Court of Appeals in this cause be and the same is hereby affirmed with costs and damages at the rate of six per centum per annum. —

"P. P. Barbour. J. McLean."

Monday February 13 1837 Continued.

39. John Smith, Jesse Moseley and Robert Lightfoot. — vs Plffs in Er
The President & Directors of the Bank of the Commonwealth of Kentucky —

In Error to the Court of Appeals for the State of Kentucky. —
This cause came on to be heard on the transcript of the record from the Court of Appeals for the State of Kentucky and was argued by Counsel — On Consideration Whereof, It is adjudged and ordered by this Court that the judgment of the said Court of Appeals in this cause be and the same is hereby affirmed with costs and damages at the rate of Six per centum per annum. —

"P. V. Mc. Hus. McLean"

40. John Smith, Jesse Moseley and Robert Lightfoot. — vs Plffs in Er
The President & Directors of the Bank of the Commonwealth of Kentucky. —

In Error to the Court of Appeals for the State of Kentucky. —
This cause came on to be heard on the transcript of the record from the Court of Appeals for the State of Kentucky and was argued by Counsel — On consideration whereof, It is adjudged and ordered by this Court that the judgment of the said Court of Appeals in this cause be and the same is hereby affirmed with costs and damages at the rate of six per centum per annum. —

"P. V. Mc. Hus. McLean"

Monday February 13. 1837. Continued. -

23.	Lipsa of Talbot County Complt vs Robert Burke Defdt	This cause was submitted to the consideration of the Court on printed arguments by the Counsel of Complt for the Defendants in Error

Proclamation being made the Court is adjourned until tomorrow morning at eleven o'clock

Tuesday February 14. 1837.

Pursuant to adjournment the Court met this morning at the Capitol —

Present —

The Honorable	Roger B. Taney	Chief Justice
	Joseph Story	
	Smith Thompson	
The Honble	John McLean	Associate Justices
	Henry Baldwin	
	James M. Wayne	
	Philip P. Barbour	

Alexander Hunter Esquire Marshal
William Thomas Carroll Clerk. —

Proclamation being made the Court is opened. —

William Wales Biss	vs	On a certificate of division in opinion between the Judges of the Circuit Court of the United States for the District of Kentucky
do.		
The Merchants Louisville Insurance Company		

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of Kentucky and on the questions and points on which the Judges of the said Circuit Court were opposed in opinion and which were certified to this Court for its opinion agreeably to the act of Congress in such case made and provided, and was argued by Counsel — On consideration whereof It is the opinion of

Tuesday February 14 1837. Continued —

Boat by a fire, caused by the barratry of the master and crew" 2d That the policy does cover a loss of the Boat by fire caused by the negligence, carelessness or unskilfulness of the master and crew of the Boat or any of them" 3d That the "allegation of the Defendants in their pleas, or either of them, to the effect, that the fire by which the boat was lost, was caused by the carelessness or the neglect or unskilful conduct of the master and crew of the Boat" is not a defence to this action. — 4th That the said pleas or either of them are not sufficient in law as a bar to the action of the Plaintiff. Wherefore it is now here ordered and adjudged by this court that it be so certified to the said Circuit Court. — "Jos. Ins. Story"

"The Proprietors of Charlestown Bridge pltffs in Err.

vs.

3.

The Proprietors of Warren Bridge — John Skinner Isaac Warren, John Coffran, Nathan Austin, & Ebenezer Breed Josiah D. Cooke, Executor of Nathan Tufts dec.d David Nelson, Isaac Mead, Samuel Snelsons Jr. and Henry Jacques, William Mills, Benjamin Shurtleff and Joshua Burr

In Error to the Supreme Judicial Court holden in and for the County of Suffolk in the Commonwealth of Massachusetts. —

This cause came on to be heard on the transcript of the record from the Supreme Judicial Court holden in and for the County of Suffolk in

Tuesday February 14. 1837. Continued.

by counsel. On consideration whereof, It is ordered, adjudged and decreed by this court that the decree of the said Supreme Judicial Court in this cause be and the same is hereby affirmed with costs. —

"Test Ed. Fox. Secy"

Julius Rey Thompson v. [illegible]

Bank United States Appt		It is now here ordered
61.	by	and adjudged by this court
James Daniel et al		that this cause be and
		the same is hereby continued
		to the next term of this court. —

Proclamation being made the court is adjourned until tomorrow morning at eleven o'clock. —

Wednesday February 15 1837

Pursuant to adjournment the Court met this morning at the Capitol

Present

The Honble	Roger B. Taney Joseph Story Smith Thompson John McLean Henry Baldwin James M. Wayne Philip P. Barbour	Chief Justice Associate Justices

Alexander Hunter Esquire Marshal
William Thomas Carroll Clerk

Proclamation being made the Court is opened

On motion of Mr Key it is ordered by the Court that the Hon Theodoric Bland of the State of New York be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly —

Steam Boat Ohio appt vs Thomas Rhodes	This cause was argued by Mr Key & Mr Hunter for the appellant and by Mr Critenden for the appellee —

55

Wednesday Febuary 15 1837 Continued.

Nathaniel P. Benton Dft in Errr		This cause was submitted
11. vs	Appld	to the consideration of the
M. T. Woolsey Valt		court on the record and

printed argument by Mr. Attorney General of counsel for the appellant—

Proclamation being made the court is adjourned until tomorrow morning at eleven oclock —

Thursday Feburary 16 1837.

Pursuant to adjournment the court met this morning at the Capitol

Present

The Honorable Roger B. Taney Chief Justice
Joseph Story
Smith Thompson
The Honble John McLean Associate Justices
Henry Baldwin
James M. Wayne
Philip P. Barbour

Alexander Hunter Esquire Marshal
William Thomas Carroll Clerk

Proclamation being made the Court is opened.

Louisa Livingston Exrx of
Edward Livingston dec'd
vs. Appl
39. Benjamin Story

The appeal from the District Court of the United States for the Eastern District of Louisiana This cause came on to be heard on the transcript of the record from the District Court of the United States for the Eastern District of Louisiana and was argued by Counsel. On consideration whereof it is ordered, adjudged and decreed, that the decree of the said District Court, dismissing the bill of the Complainant, be and the same is hereby reversed and annulled. The Court being of opinion that the transaction of the 25th July 1832 between John A. Post, Benjamin Story and Edward Livingston was

Thursday February 16 1837. Continued

privilege denominated an Antichrese in the law of Louisiana. And it is hereby further ordered, adjudged and decreed, that the cause be sent back for further proceedings in the court below, with directions that the cause be referred to a master to take an account between the parties. And it is hereby further ordered adjudged and decreed that in taking said account there be allowed to the defendant, all advances which shall be shown to have been made by him or paid on account of the loan made to Edmund Livingston on the 25th day of July in the year 1822 with the interest which the said Edmund Livingston agreed to pay of eighteen per cent per annum, to be calculated upon each advances from the time it was made until the 5th of August 1828, and after that time at legal interest - And further that in taking said account the defendant be allowed all reasonable expenditures made by the defendant, and John A. Fort, in building, repairing and safe keeping of the property, pledged by the said Edmund Livingston to secure the loan made to him on the 25th day of July 1822, and that the complainant be credited in such account with all such sums as the defendant or John A. Fort or either of them have received from the said property. And that in taking such account, the rents and profits be applied first to the payment of the sums necessarily incurred in building and repairing - Secondly to the payment of the interest on the sums which shall appear to have been advanced on the said loan or in the improvement of the lot -

Thursday February 16 1837. Continued

And thereby & the discharge of the principal of the said loan due & on taking said account it shall appear, that there is a balance due to the complainant, it is hereby further ordered, adjudged and decreed, that the defendant pay to the complainant such balance within six months from the time of entering the final decree in the cause and shall surrender and reconvey the said property to the complainant or such person or persons as shall be shown to be entitled to the same. And if upon the taking of said account it shall be found that any balance is due from the estate of the said Edward Livingston, deceased to the defendant it is hereby further ordered, adjudged and decreed that on paying or tendering to the defendant the said balance, he shall deliver up the possession and recovery to the person or persons who shall appear to be entitled to the same the property so pledged to secure the aforesaid loan. And it is further ordered, adjudged and decreed that in case a balance shall be found due to the defendant and shall not be paid within six months after a final decree of the District Court upon the Masters report, then the property shall be sold by order of the District Court at such time and notice as the said Court shall direct and that the proceeds be first applied to the payment of the balance due the defendant and the residue thereof be paid to the Complainant.

"Jr. M. Jas. M'Kaye"

Thursday February 16. 1837 Continued

The Mayor, Aldermen and Commonalty of the City of New York } In Error
6. vs
George Milne

On a certificate of division in opinion between the Judges of the Circuit Court of the United States for the Southern District of New York.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the Southern District of New York and on the question and point on which the Judges of the said Circuit Court were opposed in opinion and which was certified to this court for its opinion agreably to the act of Congress in such case made and provided and was argued by counsel. On consideration whereof. It is the opinion of this court that so much of the section of the act of the Legislature of New York as applies to the breaches assigned in the declaration was not a prohibition to regulate commerce between the port of New York and foreign ports and that so much of said section is unconstitutional. Whereupon It is now here ordered and adjudged by this court that it be so certified to the said Circuit Court.

"P. Mr. Chief Justice Barbour"

"Mr. Justice Story dissenting"

Thomas Jackson, William T. Jackson & Maria C. Jackson by the said Thomas Jackson their father & next friend. } In Error
vs
William E. Ashton

On appeal from the Circuit Court of the United States for the District of Pennsylvania

This cause came on to be heard on the transcript of the record from the Circuit Court of

Thursday February 16 1837 Continued.

and was argued by Counsel On Consideration Whereof, It is now here ordered, adjudged and decreed by this Court that the decree of the said Circuit Court in this cause be and the same is hereby affirmed with costs

"P. Mr Jus. M'Lean"

The Steam Boat Orleans
Henry Forsyth Val, Claimt
95. v. appl
Thomas Phoebus —

On appeal from the District Court of the United States for the Eastern District of Louisiana

This cause came on to be heard on the transcript of the record from the District Court of the United States for the Eastern District of Louisiana and was argued by Counsel On Consideration whereof, It is the opinion of this Court that the District Court had not jurisdiction of the Libel or its incidents, and therefore must adjudge and decree that the decree of the said District Court in this cause be and the same is hereby reversed and annulled, and that this cause be and the same is hereby remanded to the said District Court with directions to dismiss the suit for want of jurisdiction

"P. Mr Jus Story"

Thursday February 1st 1837 Continued

Ex parte: In the matter of the Postmaster General of the United States

vs

Stephen Pleigg, administrator of Elias Rector dec'd

On motion for a rule on the District Judge of the United States for the District of Missouri to shew cause &c

Mr Attorney General moved the Court for a rule on the District Judge of the United States for the District of Missouri to shew cause why a writ of Mandamus should not be issued to him directed commanding him to order an Execution to issue on the judgment of said District Court in the above mentioned cause. On consideration whereof It is now here ordered and adjudged by this court that said motion be overruled, and that the rule be and the same is hereby refused. &c

Jr: Mr Ch: Jus: Taney"

Nathaniel H. Benton District Attorney &c Appellt

vs

M. T. M'Corkle

It is now here ordered by the court that this cause be and the same is hereby continued to the next term of this court.

Lessee of Gabriel Lovejoy & Wife

vs

Robert Burke &al

It is now here ordered by the court that this cause be held under advisement and that it be and the same is hereby continued to the next term of this court.

Thursday February 15 1837.

Order of Court.

When a printed argument shall be filed for one or both parties the case shall stand on the same footing as if there were an appearance by counsel.

August Term 1837.

At a session of the Supreme Court of the United States begun and held at the Capitol of the United States in the City of Washington being the present seat of the National Government of the United States, on the first Monday of August, being the day of the same month, in the year of our Lord one thousand eight hundred and thirty seven, and of the Independence of the United States the Sixty second, agreeably to the act of Congress in such case made and provided the Honble Roger B. Taney Chief Justice of the Supreme Court of the United States and resident of the Fourth Circuit in the State of Maryland was present, and the Clerk of said Supreme Court attending. It is ordered by the said Chief Justice that the following entries be made in the following cases to wit.

1	825 Ho. & John McKinney & al. vs. William Offutt & John Carroll		Kentucky Ct. of Appeals 1837 Aug. ordered to be continued
2	837 Of 35 Thomas Hammond's admr. vs. [illegible]		Maryland. to be [illegible] 1837 Aug. ord. to be continued.
	George Washington's Exors		
3	882 Dec. ex. Lessee of John Walker vs. [illegible]		Kentucky. to be [illegible] 1837 Aug. ord. to be continued.
	William Lemon & al.		

August Term 1837.

Webster Badger 4 Sergeant	1836 Jan. 30	Temperance Buchanan Val Pltff in Er vs Lessee of Margaret Latimer Val	N. Carolina. C. C. U. S. 1837 Aug. ord. to be continued
Sergeant 5 Webster	" July 1	Lessee of Margaret Latimer Val Pltff in Er vs William Pollet —	N Carolina. C. C. U. S. 1837 Aug. ord. to be continued
Porter Webster 6.	" Aug 1	Nicholas Wilsons heirs — Pltff in Er vs The Life & Fire Ins. Comp. of New York	E. Louisiana. D. C. U. S. 1837 Aug. ord. to be continued
Atto Gen'l 7 Beardsley	1834 Dec 19	Nathaniel P. Benton dist. Atty &c appellt vs Melancthon T. Worsley Val	N. York. C. C. U. S. (N.D.) 1837 Aug. ord. to be continued
Sergeant 8	1835 Jan. 5	Joseph Lynch. Pltff in Er vs Ambrose Carnage	Georgia. Sup. Ct. Cass County 1837 Aug. ord. to be continued
Sergeant 9.	" Jan. 5	Johnson Pipe — Pltff in Er vs The State of Georgia	Georgia. Sup. Ct. Cass County 1837 Aug. ord. to be continued

August Term 1837.

	1836			
man	Jan. 3	Lessee of Gabriel Swayze & Wife		W. Penn^a D.C. U.S.
			pff in Er	1837 Aug. ord^d & be continued
10		vs		
Valls		Robert Burke val		
ryant	Jan. 5	Lessee of Margaret Latimer val		N. Carolina. C.C.U.S.
			pff in Er	1837 Aug. ord^d & be continued
11		vs		
heler dger		David Underwood		
ter thard	Feb. 13	James M. Reynolds val		Mississippi D.C. U.S.
			pff in Er	1837 Aug. ord^d & be continued
12.		vs		
nes		James L. Douglass val		
ttenden	Feb. 17	Thomas L. Owings val	pff in Er	Kentucky. C.C. U.S.
				1837 Aug. ord^d & be continued
13		vs		
man ckliffe		Lessee of Luke Tiernan		
nton	Aug. 5	John Wilcox val	pff in Er	E. Louisiana D.C. U.S.
				1837 Aug. ord^d & be continued
14		vs		
		Thomas Hunt val		
ather	Aug. 15	Benjamin B. Lyon val	pff in Er	E. Louisiana D.C. U.S.
				1837 Feb. 3 argued
				" " J. Chev. adv. vult
				" " ord^d that clerk examine &c
15		vs		1837 Aug. ord^d & be continued
nton		James Auchincloss & Co		

August Term 1837.

Cullenden	1836 Dec 15	Daniel F. Strother	pff in Er	Missouri. D.C. U.S.
16.		vs		1837 Aug. ord. to be continued.
		John B. C. Lucas		
Atto Genl	1837 Jan 7	The United States	pff in Er	Washington. C.C. U.S.
17		vs		1837 Aug. ord. to be continued
Coxe		Andrew M. Laub		
Atto Genl	Jan 7	The United States	pff in Er	Washington C.C. U.S.
18.		vs		1837 Aug. ord. to be continued
Coxe		Andrew M. Laub		
Cullenden	Jan 13	Bank United States	pff in Er	Kentucky. C.C. U.S.
19		vs		1837 Aug. ord. to be continued
C Allen		James Daniel & al		
Greene Southard	Jan 13	Willard W. Wilmot's adm		R. Island. C.C. U.S.
20		vs	pff in Er	1837 Aug. ord. to be continued
Webster		Henry Matheuson & al		
	Jan 18	Nathaniel Williams & al		Maryland. C.C. U.S.
21.		vs	pff in Er	1837 Aug. ord. to be continued
		The United States		